

The Senator from Mississippi, who has spoken so strongly against the thought of asylum, has offered an amendment here that carries the spirit of asylum in its very terms, because he proposes to make an exception to this rule further to those people who, because of the military occupation of their country by a foreign power, no longer live under the Government under which they formerly lived. Without regard to literacy they are to be admitted here. There is the admission that we still retain, and that, born of an instinct of justice and humanity, we ought to retain, the spirit and sentiment of asylum in our immigration laws.

I am in favor of the amendment, because ever since it has been my privilege to sit in this Chamber I have believed in one thing, and have been consistent in my belief and in my practice. I believe that when we pass legislation we should make legislation plain, so that it can be understood, so that it can be interpreted, and so that there will be the least possible difference of opinion as to its meaning and its interpretation. If it is the sentiment of the House, if it is the sentiment of the Senate committee, that we should recognize the principle of asylum in our immigration laws to the extent of admitting those who flee from religious persecution, we should recognize that in the policy of foreign Governments it is almost impossible to distinguish between that which comes from religious or political or racial persecution. We can not say of the unfortunate Jews in foreign countries whether it is religious, whether it is political, or whether it is racial; but we pretend here to hold out to these oppressed people the hope that in their oppression is to be found an exception to our literacy test and a recognition that somewhere, under certain limitations, we recognize the principle of asylum in our immigration laws.

That being true, Mr. President, we should hold out to them no false hopes. We should pass no law here that will simply lead to confusion in interpretation and in distinguishing what is meant and intended by the law. Then let us be plain and fair. Let us act aboveboard in this matter. We have back of us at this moment the action of the House and the Senate committee in recognizing that we should somewhere permit the asylum principle in our immigration laws. It is plain from the language of the bill that this hope is held out to a particular race. Then let us make it plain. Let us be fair and candid, and leave no ground for discussion or difference of opinion as to what the provision means. Recognizing that the oppression of the Jewish people in these foreign countries is born of an intermingling of religious, racial, and political motives and purposes, let us include all three in the exception in order that we may not hold out to them simply an empty hope.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure.

Mr. WORKS. I suggest to the Senator from Minnesota that the difficulty about this amendment is that it is not dependent upon the fact that these people are persecuted, but upon a mere statement made by them to that effect; and it will be a very easy matter for these illiterate people from all sections of the world to come in upon a mere statement of that kind when it is perfectly well known that there is no such persecution in the country from which they come. I think it should depend upon the existence of the fact that the Senator is talking about and not upon a mere statement by the party who is seeking to come in.

Mr. CLAPP. Why, Mr. President, that goes to the mechanism of this bill. The bill provides that they shall prove, to the satisfaction of the proper immigration officers, the existence of these facts. If the bill does not make abundant provision for that proof, that is another question and a separate question for discussion and dealing. That goes, as I say, to the mechanism. I am discussing now the exception itself. As these three conditions—religious, political, and racial—are so interwoven, I believe we should make this language plain and put it beyond controversy, and include the three terms in the exception, so that when the Jew fleeing from oppression abroad comes to these shores he will not be confronted with any effort at technical distinction between religious, racial, and political oppression.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

Mr. SMITH of South Carolina. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from South Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Smoot
Brady	Hardwick	Page	Swanson
Burton	Hughes	Reed	Thomas
Clapp	Kern	Sheppard	Thornton
Culberson	Lee, Md.	Simmons	White
Cummins	Lewis	Smith, Ariz.	Williams
Gallinger	Lodge	Smith, Ga.	Works
Gore	Martine, N. J.	Smith, S. C.	

Mr. THORNTON. I have been requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. MARTINE of New Jersey. I have been requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on public business, and that he is paired with the junior Senator from New Mexico [Mr. FALL].

Mr. BRADY. I desire to state that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official duty.

The PRESIDING OFFICER. Thirty-one Senators have answered to their names. A quorum is not present. The Secretary will call the names of absentees.

The Secretary proceeded to call the names of absent Senators.

RECESS.

Mr. KERN. Mr. President, I ask unanimous consent that the Senate take a recess until to-morrow morning at 11 o'clock.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the Senate take a recess until 11 o'clock to-morrow. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 4 o'clock and 48 minutes p. m., Wednesday, December 30, 1914) the Senate took a recess until to-morrow, Thursday, December 31, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 30, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, Almighty God, our heavenly Father, for our Republic and all its sacred institutions, for its national integrity and unity, and we most fervently pray for all who are called to minister to its genius that they may be inspired by the highest, purest, and most patriotic motives, that it may continue to grow in its intellectual, moral, and spiritual life to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to have the Committee on Interstate and Foreign Commerce discharged from the consideration of the following bills, and that they be referred to the Committee on the Merchant Marine and Fisheries. My opinion is that they should go to the Committee on the Merchant Marine and Fisheries:

Bill S. 6782, to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed, in my opinion, belongs to the Committee on the Merchant Marine and Fisheries, as it relates to the navigation laws, and all bills of that character, since I have been a member of the committee, have been referred to the Committee on the Merchant Marine and Fisheries.

S. 6781, to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10, is an amendment to the Steamboat-Inspection Service law.

H. R. 20281, to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed. That is a companion bill to the bill S. 6782.

Also the bill H. R. 20282, to provide for the appointment of 11 supervising inspectors, Steamboat-Inspection Service, in lieu of 10.

I ask, Mr. Speaker, unanimous consent that these bills be referred to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Committee on Interstate and Foreign Commerce be discharged and that these bills be referred to the Committee on the Merchant Marine and Fisheries. Is there objection?

Mr. ADAMSON. Reserving the right to object, Mr. Speaker, I do not wish to be greedy and ask jurisdiction which does not belong to us, and neither do I wish to see any further progress made in this gradual diminution of the jurisdiction of the Committee on Interstate and Foreign Commerce. If I am wrong in insisting that the Steamboat-Inspection Service bills have always been under the jurisdiction of the Interstate and Foreign Commerce Committee, I will ask the gentleman from Illinois, the former chairman of the committee, if that is not the fact of the case?

Mr. MANN. Well, Mr. Speaker, nearly all of these bills relating to the Steamboat-Inspection Service and the dimensions of vessels used to go to the Committee on Interstate and Foreign Commerce. Many of them have recently been referred to the Committee on the Merchant Marine and Fisheries, which I think now it is understood has jurisdiction. As to these particular bills, I do not know.

Mr. ALEXANDER. Prior to the establishment of the Committee on the Merchant Marine and Fisheries all bills on this subject were considered by the Committee on Interstate and Foreign Commerce.

Mr. MANN. Yes; but long after the Committee on the Merchant Marine and Fisheries was created bills requiring certain dimensions in vessels and bills for steamboat inspection were referred to the Committee on Interstate and Foreign Commerce, at the time when Gen. Grosvenor was chairman of the Committee on the Merchant Marine and Fisheries. Some were designedly afterwards sent to the Committee on the Merchant Marine and Fisheries because the Committee on Interstate and Foreign Commerce did not desire to retain jurisdiction of those matters.

Mr. ADAMSON. Mr. Speaker, so far as I am individually concerned, I think the line of demarcation between the jurisdiction of committees has been left rather shadowy on purpose, so that the Speaker might give such direction as to equalize the work. I realize that the Committee on Interstate and Foreign Commerce has a great deal to do and that some other committees have less to do, and individually I have no objection to their taking some of the work, and yet I do not wish to advocate a diminution of the importance and dignity of that committee. I am not going to ask that it be given to the Committee on the Merchant Marine and Fisheries, because I do not want to get rid of the work, but I am not going to object to the change, in view of what the gentleman from Illinois has just said.

The SPEAKER. The Chair will say that there are three committees in this House that it would puzzle King Solomon himself, if he should return, to say to which committee sometimes a bill ought to be sent—the Judiciary Committee with reference to antitrust bills, the Committee on Interstate and Foreign Commerce, and the Committee on the Merchant Marine and Fisheries. The fact is they interfere with each other sometimes in the lines of jurisdiction. If the Chair has ever discriminated in favor of the Committee on the Merchant Marine and Fisheries on some shadowy question as against the Committee on Interstate and Foreign Commerce, it was simply because the Committee on Interstate and Foreign Commerce has more work to do than any other committee in this House, and does it.

Mr. ADAMSON. That is the way I understand it; and I wish to state for the benefit of the chairman of the Committee on the Merchant Marine and Fisheries, Mr. ALEXANDER, for whom I have the highest appreciation, that I do not think we have shed as much business that rightfully belongs to us to that committee as we have to some other committees.

Mr. ALEXANDER. Mr. Speaker, I wish to say that this is not a conflict between the chairman of the Committee on Interstate and Foreign Commerce and myself as to jurisdiction. The Senate bills were referred to the Committee on Commerce in the Senate, which has jurisdiction of the same subject matter as has the Committee on the Merchant Marine and Fisheries, and since I have been a member of the committee they have gone to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. There is no conflict between the chairmen of these two committees. There is a conflict in the principle upon which these bills are referred. Without objection, the change of reference will be made.

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

By direction of the Committee on Agriculture, Mr. LEVER reported the bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916, which was read a first and second time and, with the ac-

companying report (No. 1255), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill.

QUESTION OF PERSONAL PRIVILEGE.

Mr. TAGGART rose.

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. TAGGART. Mr. Speaker, I rise in reply to an attack that has been made upon me in a publication known as Harper's Weekly, a copy of which I send to the Clerk's desk and ask that the article referred to be read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

[From Harper's Weekly for December 26, 1914.]

POLITICS AND JUSTICE.

Kansas is always interesting. It is so lively, individual, and American. Now, be it understood that the editor of the Fort Scott Tribune, George W. Marble by name, is a credit to journalism. He is straight, conscientious, brave. Incidentally he was effective for Mr. Wilson at a time when friends were needed. He was one of the original Wilson men.

JOSEPH TAGGART, Member of Congress, is a Democrat from the second Kansas district. A few months ago Marble printed the charge that TAGGART, who rather makes us tired, was selling post offices on a commission basis in his district. During the recent campaign post-office inspectors were sent out to investigate the charges. TAGGART was whitewashed. As to that side of it we say nothing. The evidence is not before us, and our opinion is therefore only a surmise based on the characters of the men involved. But the inspectors did more. They attacked Marble's character, blackmail is being charged in print against him, and the report is presumably on file in the Post Office Department. If so, it should be expunged. It is displeasing to see the reputation of an honest editor smirched for the convenience of a far-from-desirable Congressman.

Mr. TAGGART. Mr. Speaker, the writer of this article is evidently suffering prematurely from a spring condition. He could be readily relieved with rhubarb and sassafras tea. If his mind is in the condition where it acts without evidence and he arrives at conclusions without being able to give any reason why, he is singularly fortunate that he has never lived in the State of Kansas. If a man were in that condition in the State of Kansas, with his mind reaching conclusions without any kind of evidence before him, he would be promptly put under guardianship in that distinctly American State, and possibly placed in one of the two very excellent institutions provided there for the treatment of that kind of malady. It is also fortunate for him that he never let his erring footsteps stray as far as the great State of Texas, the home of the Postmaster General. If he should find himself there, he would at once come to the conclusion that he would better be circumspect before he became sarcastic. If he had gone down to the State of Virginia, the birthplace of our great President and of six other great Presidents, and had made a practice of attacking public men without any evidence before him, I think I can safely say that he would not keep at it long until his career would terminate in a very interesting coroner's inquest.

As far as the Kansas editor is concerned, there is only a word to say about him. The article says that he was an original Wilson man. I believe I heard it said that his puny efforts were put forth in behalf of the distinguished governor of New Jersey. The result of his efforts was that a unanimous delegation for the distinguished Speaker of this House was sent to the State convention from his county with instructions to continue to vote for the Speaker until the State convention agreed to send delegates to Baltimore in his behalf. This is what he did for Mr. Wilson "at a time when friends were needed." It is unnecessary to mention him any further than to say that I do not think he is now in a position to attack anybody. He used to be a clever and effective liar before he lost what little reputation for truth and veracity he deceived the people into thinking he had; but now I do not believe that, outside of fly time, when he could cooperate with millions of others, he could cause annoyance to any public man.

This article has the merit of being one of the queerest screeds ever published in a well-known magazine. The man who wrote it did not even know how to spell my obscure and undistinguished name. The man who wrote it did not even give correctly the name of the obscure paper published 1,500 miles away from his office. I never had what certainly might have been the pleasure of meeting the editor of this magazine. I know that he never did me the honor of even looking at me;

and yet he has decided a controversy between me and another man, both of whom live 1,500 miles away from New York. The Post Office Department decided the matter with the evidence before it; the New York editor decided it without the evidence before him.

Let me trespass on your patience long enough to say that I led the ticket in the second district of Kansas—the State and National ticket both—by some thousands of votes; and if I, whom he says is far from desirable, am the favorite in the most prosperous district in the United States, what is wrong with the excellent gentlemen who were on the same ticket with me?

I also had the happiness of leading the ticket in 1912 by some 4,000 votes, and I say this in defense of those excellent people who were presented on the State and National tickets in that district. This New York editor is not decent enough to allow a constituency of 100,000 men and women voters to decide whether I am desirable or undesirable. He has decided the question in New York City.

This is the Christmas number of the magazine, and I want to call the attention of the House to the leading caricature that is in the middle of it—an insult to the 30,000,000 of people of German blood in the United States, the brave people who live in nearly every State in this Union, who control every doubtful State in national elections, and who own more than half of the property in the Northern States. And yet the Christmas greeting to them is a caricature of a German soldier breaking in the door of a humble cottage with the butt of his rifle with intent to commit murder. And this is labeled with an ancient and holy name, "Kris Kringle," a little German child's way of saying in German the name of the Christ child. I want the people of that heroic blood who may take the trouble to read my remarks to go to the public library in whatever town they reside and call for this magazine and look at the blasphemous and horrible Christmas greeting that it has offered to one-third of the American people. I want to say that if there was a crayon artist among the Members of this House, and he would bring in materials here and proceed to caricature any brave people or any soldier who is fighting for his country in the snows of Europe at this time, and hold him and his people, and the tenderest sentiments of their hearts, up to ridicule and contempt, I would vote to expel him from this House of Representatives. This is a neutral Nation, and this is a neutral House of Representatives. We in the House are requested by the highest authority to keep our mouths shut about this war, and yet the editor of one of these publications can insult the most industrious and prosperous part of our people, and not only insult them, but convince them that he and hundreds of others, on account of their manifest partiality in favor of one empire as against another, are in the pay of one of the belligerents. I hope this partiality will not continue until we wake up some morning and find this Nation aflame with anger.

Mr. Speaker, I have little more to say. I shall conclude by saying this much, that this Harper's Weekly and other advertising agencies like it are delivered to the American people as second-class mail matter at a loss to the Government of \$40,000,000 and more annually, and that it is violating the spirit of American neutrality at the public expense. It would be better for any public man to have a typical case of smallpox as an inducement to popularity than the support of any such publication as this. [Applause.]

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, the Post Office appropriation bill.

Mr. SMITH of Minnesota. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. SMITH of Minnesota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Minnesota makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eleven Members are present; not a quorum.

Mr. MOON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Ansberry	Bailey	Bartlett
Alney	Anthony	Baltz	Barton
Allen	Austin	Barchfeld	Beall, Tex.
Anderson	Avis	Barnhart	Borchers

Britten	Fairchild	Kelly, Pa.	Phelan
Brockson	Falcon	Kennedy, Conn.	Platt
Brodbeck	Falconer	Kennedy, Iowa	Porter
Brown, W. Va.	Farr	Kinkaid, N. J.	Powers
Bruckner	Fess	Kitchin	Price
Brumbaugh	Fields	Knowland, J. R.	Ragsdale
Bryan	Finley	Kreider	Reed
Buchanan, Ill.	Floyd, Ark.	Langham	Riordan
Burke, Pa.	Fordney	Langley	Roberts, Mass.
Burke, Wis.	French	Lazarus	Roberts, Nev.
Burnett	Gallagher	Lee, Ga.	Rupley
Butler	Gallivan	Lee, Pa.	Sabath
Calder	Gard	L'Engle	Saunders
Callaway	Gardner	Levy	Scully
Cantor	Garrett, Tenn.	Lewis, Pa.	Seldomridge
Carew	George	Lieb	Sells
Carr	Gerry	Lindquist	Sherley
Cary	Gillett	Lobeck	Sherwood
Chandler, N. Y.	Godwin, N. C.	Loft	Shreve
Clancy	Goeke	Logue	Sims
Clark, Fla.	Goldfogle	McAndrews	Sinnott
Claypool	Good	McClellan	Sisson
Cline	Gordon	McGuire, Okla.	Slayden
Connolly, Iowa	Gorman	McKenzie	Smith, J. M. C.
Conry	Graham, Ill.	Mahan	Sparkman
Copley	Greene, Mass.	Maher	Stafford
Crosser	Gregg	Mapes	Stanley
Curry	Griffin	Martin	Stephens, Miss.
Dale	Guernsey	Morin	Stevens, Minn.
Davenport	Hamill	Moss, W. Va.	Stringer
Davis	Hamilton, N. Y.	Mott	Sutherland
Decker	Hamlin	Mulkey	Talbott, Md.
Deltrick	Hammond	Murdock	Talcott, N. Y.
Dershem	Harrison	Neeley, Kans.	Taylor, N. Y.
Difenderfer	Hart	Neely, W. Va.	Ten Eyck
Dixon	Haugen	Nolan, J. I.	Townsend
Donohoe	Hedlin	Norton	Underhill
Dooling	Helvering	O'Brien	Vare
Doughton	Hill	Oglesby	Walker
Driscoll	Hinebaugh	O'Hair	Wallin
Dunn	Hobson	O'Shaunessy	Walsh
Eagan	Houston	Palge, Mass.	Walters
Eagle	Howell	Palmer	Webb
Edmonds	Hughes, Ga.	Parker, N. Y.	White
Edwards	Hughes, W. Va.	Patten, N. Y.	Willis
Elder	Hulings	Patton, Pa.	Wilson, Fla.
Esch	Jones	Peters	Wilson, N. Y.
Estopinal	Keister	Peterson	Woodruff

The SPEAKER. On this roll call 221 Members, a quorum, answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

LEAVE OF ABSENCE.

By unanimous consent, Mr. ROBERTS of Nevada was granted leave of absence, indefinitely, on account of dangerous illness of his father.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, the Post Office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19906, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes.

The CHAIRMAN. If the committee will indulge the Chair for a moment. On yesterday the gentleman from Iowa [Mr. TOWNER] offered, on page 10, line 4, the following amendment:

Provided, That in the appointment of superintendents of finance, superintendents of mails, superintendents of delivery, auditors, cashiers, or their assistants, such appointments shall be made, so far as may be, from assistant postmasters now serving, and in the offices where now serving, when otherwise qualified.

A point of order was made against the amendment by the gentleman from Tennessee [Mr. MOON]. The Chair sustained the point of order against that amendment. A moment later a parliamentary inquiry was submitted by the gentleman from Minnesota [Mr. STEENERSON] to know if the Chair was going to hold that all amendments to these specific items of legislation contained in the special rule would be held out of order. Of course that question was not at that time squarely before the Chair for decision, but the Chair, attempting to answer the gentleman in order to expedite things as he then thought, in substance said that it was the Chair's opinion that the special rule should be strictly construed and that the rule did not go further than it on its face purported to go, and the Chair thought at that time he was applying the correct course of rea-

soning to the case. He thinks at this time he applied the correct course of reasoning, but upon consulting some of the parliamentarians of the House who know more about parliamentary law than the Chair does, the Chair in that instance was in error and he would like to have the Record show a correction to that extent. The Chair does not desire to make a change of ruling in reference to the point of order made by the gentleman from Tennessee [Mr. Moon] to the amendment of the gentleman from Iowa, but he does desire to add to the ruling then made that he thinks the amendment offered by the gentleman from Iowa [Mr. Towner] is not germane to the proposition, inasmuch as the Chair thinks it purports to create a kind of an eligible list by a limitation in the method of making these appointments which is not prescribed either by the special rule or would be in order under the general rules of the House; and that will be the ruling of the Chair this morning.

Mr. STEENERSON. The Chair yesterday ruled that it was out of order because it was new legislation, but now the Chair retracts that part, placing it on the ground that it is not germane.

The CHAIRMAN. The Chair has just stated what the ruling was. Unless there is some motion pending the Clerk will read.

The Clerk read as follows:

Stenographers, clerks in charge, and clerks, 18,500, at not exceeding \$1,200 each.

Mr. STEENERSON. Mr. Chairman, a point of order. There was an appeal from the decision of the Chair pending.

The CHAIRMAN. There was. Does the gentleman care to have the appeal put at this time?

Mr. STEENERSON. I presume that is the order of business.

The CHAIRMAN. The gentleman is recognized to move to appeal from the decision of the Chair if it is desired.

Mr. MANN. The appeal is already pending and must be disposed of.

The CHAIRMAN. I thought it fair to the Chair if the gentleman wants to move the appeal in face of the amended ruling.

Mr. STEENERSON. I desire to say, in face of the amended ruling, that I think it is a serious question as to whether the Chair is correct, but it has considerably improved the situation so far as the Chair is concerned. A precedent cited in the Book of Rules, volume 4 of Hinds' Precedents, paragraph 3823, page 553, seems to be almost parallel to the case of the gentleman from Iowa. There the appropriation bill provided for a reorganization of the employees of the Library of Congress, and the gentleman from Massachusetts [Mr. Gillett] offered as an amendment to that reorganization provision the following:

All the above appointments, except the Librarian and two assistants, are to be made from lists of eligibles to be submitted by the Civil Service Commission, under their rules, who are hereby empowered to hold examinations for all of the above positions.

Mr. William A. Stone, of Pennsylvania, made the point of order that the amendment changed existing law.

After debate, the Chairman ruled: This bill when reported to the House contained, in the paragraph relating to the Library of Congress, that which is manifestly on its face new legislation. This would have been subject to a point of order under the provisions of Rule XXI, section 2. No such point of order was made, and the bill therefore was sent by the House to the committee of the Whole for consideration just as it was reported and in its entirety. Under these circumstances, as has been heretofore several times ruled, no point of order could be made in the committee against the paragraph on the ground that it contained new legislation. The committee, in other words, could not refuse to consider what the House had sent to it for consideration. But the right of consideration involves also the right of amendment; that is to say, the committee has the right to perfect as it may see fit the matter submitted to it. For these reasons the point of order is overruled.

The amendment of the gentleman from Iowa [Mr. Towner], which is as follows—

Page 10, line 4, insert the following:

"Provided, That in the appointment of superintendents of finance, superintendents of mails, superintendents of delivery, auditors, cashiers, or their assistants, such appointments shall be made, so far as may be, from assistant postmasters now serving, and in the offices where now serving, when otherwise qualified."

is analogous to the amendment referred to at that time, offered by the gentleman from Massachusetts, when it was held in order, and I believe that the ruling of the Chair as amended is not justified by the facts. I am not particular about this, but it seems to me that the committee ought to have a chance to go on record as to whether or not they want these assistant postmasters to have the preference in the filling of these new places created by these various paragraphs to which the amendment of the gentleman from Iowa applies, and for that reason I think we ought to have a vote.

The CHAIRMAN. The gentleman from Minnesota [Mr. Steener] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

Mr. CULLOP. Mr. Chairman, I make the point of order that the appeal comes too late. The Clerk had begun to read the next section, and had read a portion of the bill when the appeal was taken from the decision of the Chair.

The CHAIRMAN. The Chair thinks we should not adopt that course. The appeal was taken last night.

Mr. MANN. The appeal was taken last night in the absence of my friend from Indiana [Mr. Cullop].

Mr. CULLOP. The gentleman from Indiana was here last night, and is well aware of what took place then. He was then, as usual, present, attending to his duties.

The CHAIRMAN. The Chair has no disposition to take advantage of a technicality. The gentleman from Minnesota [Mr. Steener] appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

At each post office where the receipts are \$40,000 but less than \$60,000: Superintendent of finance, \$1,300; superintendent of mails, \$1,300.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. Shall we treat these as one paragraph, or wait until the Clerk is through reading and take up each as a separate paragraph?

The CHAIRMAN. The Chair held yesterday that each one was a separate paragraph, and each one could have an amendment offered to it.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. What is the salary of the superintendent of finance and the superintendent of mail under the present law where the receipts are \$40,000 but less than \$60,000?

Mr. MADDEN. Thirteen hundred dollars.

Mr. WINGO. There is no change, then?

Mr. MADDEN. No.

Mr. WINGO. I will say to the chairman of the committee that the gentleman from Illinois [Mr. Madden] advises there is no change.

Mr. MADDEN. No change.

Mr. WINGO. Is that true with reference to all of these?

Mr. MADDEN. Practically true.

Mr. WINGO. Is there any change in the next paragraph, "Offices of \$60,000 but less than \$100,000 and \$100,000 but less than \$150,000"? Is there any change in those two?

Mr. MADDEN. Practically no changes.

Mr. MOON. If there are any changes, they are in the \$3,600 and \$3,800, and then we go back to the \$3,200 and \$3,400, and so forth.

Mr. WINGO. I was under the impression that the salary of the superintendent of mails in the office of \$100,000 and over was \$1,700 or \$1,800 now. I was not sure of that, and if that be true, then this will be a reduction here of \$200. The chairman thinks there is no reduction in those salaries.

Mr. MOON. No.

Mr. MADDEN. I will say to the gentleman from Arkansas, there is no reduction at all. If there is anything at all, it is an increase.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

At each post office where the receipts are \$20,000,000 or over: Superintendent of finance, \$3,800; cashiers, \$2,800; superintendent of mails, \$3,800; assistant superintendents of mails, \$2,400, \$2,600, and \$2,800; superintendent of delivery, \$3,800; assistant superintendents of delivery, \$2,400, \$2,600, and \$2,800; stenographers, \$900 to \$1,200; bookkeeper, \$2,400; auditor, \$3,000: And provided further, That there may also be employed at first-class post offices special clerks, foremen, and stenographers, at a salary of \$1,300 or more per annum, the total number at any post office not to exceed 1 at \$1,300 for each \$100,000 receipts; 1 at \$1,400 for each \$200,000 receipts; 1 at \$1,500 for each \$400,000 receipts; 1 at \$1,600 for each \$800,000 receipts; 1 at \$1,700 for each \$1,500,000 receipts; 1 at \$1,800 for each \$3,000,000 receipts; 1 at \$1,900 for each \$6,000,000 receipts; and 1 at \$2,000 for each \$12,000,000 receipts: And provided further, That on and after July 1, 1915, the salary of station superintendents shall be based on the postal receipts and number of employees at their respective stations on the following basis:

Mr. REILLY of Connecticut. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 14, line 3, strike out all after the word "annum" down to and including the word "receipts," on line 10, and insert a colon.

Mr. REILLY of Connecticut. This, Mr. Chairman, has the approval of the committee, and simply leaves this condition: Under the present regulations special clerks are promoted on the basis of \$80,000 receipts—one special clerk for each \$80,000

in receipts. It is now proposed to make it permanent law and the basis of promotion \$100,000 in receipts. It is the opinion of the committee that the law should remain as it is, leaving it optional with the department to make the promotions on the present basis. Therefore this amendment is offered.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. GOULDEN] moves to strike out the last word.

Mr. GOULDEN. I want to ask the gentleman from Connecticut [Mr. REILLY], who has just taken his seat, whether the only change made is the reduction of \$100,000 to \$80,000?

Mr. REILLY of Connecticut. Yes.

Mr. GOULDEN. While I am on the floor I want to ask the chairman of the committee a question. On page 13, from line 19 down to the proviso on line 25, are there any changes there in the salaries of these respectively named officials?

Mr. MOON. I think not. They are all carried through in the same way.

Mr. GOULDEN. The only change is that the superintendent of finance and the superintendent of mails are placed at \$3,800; and if the assistant postmaster becomes one of those officers he loses \$200?

Mr. MOON. Yes.

Mr. GOULDEN. That I understand. Are there any other changes, reductions, or advances in the different items?

Mr. MOON. No. If the gentleman wants to compare the old law with the new—

Mr. GOULDEN. No. I simply want to know if there are any reductions in the salaries in the various officials named in the paragraph. If so, I shall oppose the adoption of the paragraph.

Mr. MOON. None except those mentioned.

Mr. GOULDEN. That is what I wanted to ascertain before permitting it to pass.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

When the employees (clerks and carriers, city and rural) at a carrier station are three or less, the station shall have a credit of one point, and for each multiple of three employees a credit of one point.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I assume from the reading that these two paragraphs giving credit of certain points are cumulative?

Mr. MADDEN. Yes; I will explain that if the chairman of the committee will allow me. Stations having a \$1,300 man in charge would be based on a credit of six points, and a station having \$5,000 receipts or less, with six employees, or \$10,000 receipts and three employees, would be entitled to five and six points.

Mr. MANN. The points under receipts and the points under number of employees are cumulative?

Mr. MADDEN. Yes. I will explain the whole thing.

Mr. MANN. I see.

Mr. MADDEN. I would like to explain it for the benefit of the rest of the committee. Stations with credits of 5 to 6 points would be entitled to a superintendent at \$1,300 a year, and in stations having \$5,000 receipts or less and 6 employees, or \$10,000 receipts and 3 employees, would be within the class of 5 to 6 points.

Stations having \$15,000 receipts and 6 employees, or \$10,000 receipts and 9 employees, would be within the class of 7 to 9 points, and the superintendent would get \$1,400 a year.

Stations with \$25,000 receipts and 9 employees, or \$30,000 receipts and 6 employees, would be within the 10 to 13 points, and the superintendent would get \$1,500 a year.

Stations receiving \$45,000 receipts and 9 employees, or \$40,000 receipts and 12 employees, or \$50,000 receipts and 6 employees, would come within the points 14 to 18, and would be entitled to a superintendent at \$1,600 a year.

Within points 19 to 23, the \$1,700 class, the receipts would have to be \$70,000 and 9 employees, or \$75,000 receipts and 6 employees, or \$65,000 receipts and 12 employees, in order to make the position worth \$1,700 a year.

Stations with receipts of \$100,000 and 6 employees, or \$95,000 receipts and 9 employees, or \$90,000 receipts and 12 employees, or \$85,000 receipts and 15 employees, would be within the points 24 to 32, and would be entitled to \$1,800 a year for the superintendent.

Stations with receipts of \$150,000 and 6 employees, or with receipts of \$145,000 and 9 employees, or receipts of \$140,000 and

12 employees, or receipts of \$135,000 and 15 employees, would be within points 33 to 44, and the salary of the superintendent would be \$1,900.

Stations with receipts of \$200,000 and 6 employees, or \$195,000 and 9 employees, or \$190,000 and 12 employees, or \$185,000 and 15 employees, would come within the class 45 to 64 points, and the salary of the superintendent would amount to \$2,000.

Stations having receipts of \$300,000 and 6 employees, or \$295,000 and 9 employees, or \$290,000 and 12 employees, or \$285,000 and 15 employees, would come within the 65 to 100 points, and the salary would be \$2,100.

Stations with receipts of \$475,000 and 12 employees, or \$470,000 and 15 employees, or \$465,000 and 18 employees, or \$460,000 and 21 employees, would come within 101 to 135 points, and the salary of the superintendent would be \$2,200 under this schedule.

Stations with receipts of \$660,000 and 6 employees, or \$655,000 and 9 employees, or \$650,000 and 12 employees, or \$645,000 and 15 employees, would come within 136 to 200 points, and the salary would be \$2,300, and so on.

At stations where the receipts are light and the number of men is large the salary would be based on one point for every three employees, as they are in all these cases. So, for example, if there were 200 men employed at the station, as there are in many of the stations in Chicago and New York, and the receipts amounted to only \$5,000, the superintendent of such a station would be entitled to 66 points for the 200 men, 1 point for every 3 men and 5 for the receipts, making him 71 points, and that would make the man who was acting as superintendent of a station employing 200 men where the receipts were only \$5,000 come within the class where the superintendent's compensation would be \$2,100 a year.

I think that explanation covers the whole thing, Mr. Chairman.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

At stations having a total credit of 5 points or more the salary of the superintendent shall be as follows: Five and 6 points, superintendent, \$1,300; 7 to 9 points, superintendent, \$1,400; 10 to 13 points, superintendent, \$1,500; 14 to 18 points, superintendent, \$1,600; 19 to 23 points, superintendent, \$1,700; 24 to 32 points, superintendent, \$1,800; 33 to 44 points, superintendent, \$1,900; 45 to 64 points, superintendent, \$2,000; 65 to 100 points, superintendent, \$2,100; 101 to 135 points, superintendent, \$2,200; 136 to 200 points, superintendent, \$2,300; 201 to 275 points, superintendent, \$2,400; 276 to 350 points, superintendent, \$2,500; 351 points and over, superintendent, \$2,600.

Mr. REILLY of Connecticut. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, after line 17, insert the following:

"Provided, That because of the reclassification plan herein provided no employee shall receive less compensation than before the passage of this act."

Mr. REILLY of Connecticut. Mr. Chairman, the amendment explains itself, I think, without further comment.

Mr. MANN. Does the gentleman want to say "no employee" or "no office"?

Mr. REILLY of Connecticut. No employee affected by this legislation.

Mr. RUCKER. For personal service.

Mr. MANN. Possibly some employee might want to be transferred to some other place, and the question is whether he could be transferred at a lower salary. Of course if it only relates to the reorganization—

Mr. REILLY of Connecticut. This reclassification is all it refers to.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question. I understood that the purpose of this reorganization was in part to reduce salaries. Now, if this amendment—

Mr. STEENERSON. Let us have the amendment reported again.

Mr. CULLOP. In just a moment, when I finish my sentence. If this amendment should be adopted, then it would restore them all to the same salaries they had before the change or reorganization took place.

Mr. REILLY of Connecticut. Not necessarily, Mr. Chairman.

Mr. CULLOP. I should like to have the amendment reported again.

The CHAIRMAN. If there be no objection, the amendment will be reported again.

The amendment was again read.

Mr. BYRNS of Tennessee. Is it proposed by this amendment to cover cashiers, superintendents, and all other employees?

Mr. REILLY of Connecticut. This amendment proposes to cover all those referred to in this reclassification proposition which has just been read.

Mr. CULLOP. But, Mr. Chairman, if this amendment was adopted, there could be no reduction in the salary of any employee of the office.

Mr. REILLY of Connecticut. There could be no reduction in the salaries of present employees.

Mr. CULLOP. There could be no reduction, and there might be cases in which a reduction would be essential. Hence, if this was adopted, it would prevent anything of that kind, and the minimum salaries must remain as they now are. There might be instances where reductions ought to be made, and others in which increases ought to be made. I am going to make a point of order against this amendment, since I have heard it read.

Mr. MANN. It is too late.

Mr. REILLY of Connecticut. I think that it is too late, Mr. Chairman.

Mr. MANN. Instead of saying "because," would it not be better to say "by reason of"?

Mr. REILLY of Connecticut. I shall be glad to agree to any change in the phraseology that will improve it.

Mr. MANN. There might be quite a difference between the construction of "by reason of" and "because of." Of course what you mean is "by reason of."

Mr. CULLOP. This would relate to all the employees of the office, so far as a reduction is concerned.

Mr. MANN. No. "By reason of the reclassification no reduction shall be made" is plain enough.

Mr. REILLY of Connecticut. I will accept that.

Mr. MANN. "By reason of the reclassification" means one thing. To say that there shall be no reduction because of the reclassification is an entirely different thing, and that is not what you intend.

Mr. REILLY of Connecticut. The distinction may be too fine for me, but I accept it.

Mr. CULLOP. Do you not intend by this amendment to affect only the employees who are affected by the reclassification?

Mr. REILLY of Connecticut. Exactly.

Mr. CULLOP. This amendment affects all employees, and the reason given is because of the reclassification. It does not apply alone to the men who are affected by the reclassification, but to all. I am sure the gentleman from Connecticut does not intend it to be so broad as it really is.

Mr. MANN. But if you say no reduction shall be made by reason of the reclassification, that would not affect any other reductions which might be made irrespective of the reclassification.

Mr. REILLY of Connecticut. The intention is to have it affect only those referred to in this reclassification.

Mr. MANN. I suggest to the gentleman that he make that change.

Mr. REILLY of Connecticut. I ask that that change be made by the Clerk.

The CHAIRMAN. What is the exact change?

Mr. REILLY of Connecticut. "By reason" instead of "because."

The CHAIRMAN. If there be no objection, the amendment will be so modified.

There was no objection.

Mr. CULLOP. Now, since the amendment has been modified, let us have it reported again so that there will be no misunderstanding about it.

The Clerk read as follows:

On page 15, after line 17, insert the following:

"Provided, That by reason of the reclassification plan herein provided no employee shall receive less compensation than before the passage of this act."

Mr. CULLOP. Now, Mr. Chairman, that affects every employee in the office, without regard to whether his position has been affected by the reclassification or not. That is the meaning of that amendment, but the reason for it is given as because of the reclassification. But it is not confined to the officials who are affected only by the reclassification. Therefore, if adopted, it will affect every employee in the office.

Mr. MANN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. How would it do supposing it read this way, "Provided, That no employee shall receive less compensation by reason of the reclassification plan herein provided for than before the passage of this act"?

Mr. CULLOP. That would still leave it as bad, if not worse, than it is now. If it is simply made to apply only to those em-

ployees who are affected by the reclassification, which doubtless it is intended to mean, it ought to plainly say so; but as it is now, it affects every employee in every post office, and that is my objection to it as it is now written. For this reason I think it ought to be defeated.

Mr. STEENERSON. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. STEENERSON. Does not the gentleman think that this amendment is in harmony with the policy of the Post Office Department for economy, that the salaries shall be increased but not decreased?

Mr. CULLOP. I am not controlled in my action by those of any other individual. I say wherever an employee is rendering service worth more to the public than he is now receiving, he ought to have an increase; where an employee is rendering service not worth as much to the public as the salary he is now receiving, there ought to be a decrease in his salary. It ought to be measured by the real service that is being rendered to the public. Some of these men may be rendering a service that is worth more than they are now receiving, and others may be rendering a service that is worth not half as much as they are receiving. The pay always should be commensurate with the services rendered, and should be based on that principle alone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. REILLY].

The question was taken; and on a division (demanded by Mr. CULLOP) there were 27 ayes and 5 noes.

So the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. AUSTIN] be given leave to extend his remarks in the Record on the Post Office appropriation bill. He is absent on account of sickness.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that his colleague, the gentleman from Tennessee [Mr. AUSTIN], be permitted to extend his remarks in the Record on the Post Office appropriation bill. Is there objection?

There was no objection.

The Clerk read as follows:

Provided, That no allowance in excess of \$300 shall be made where the salary of the postmaster is \$1,000, \$1,100, or \$1,200; nor in excess of \$400 where the salary of the postmaster is \$1,300, \$1,400, or \$1,500; nor in excess of \$500 where the salary of the postmaster is \$1,600 or \$1,700; nor in excess of \$800 where the salary of the postmaster is \$1,800 or \$1,900: And provided further, That in the disbursement of this appropriation no employee shall be paid at a rate higher than \$600 per annum.

Mr. WINGO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 16, line 14, by striking out the figures "300" and inserting "400."

Mr. WINGO. Mr. Chairman, it is my intention, if this amendment is agreed to, to offer an amendment increasing the maximum amount that may be allowed \$100 in each class. The reason for it is that my investigation shows that in some third-class offices the clerical allowance is not sufficient to pay for the actual number of employees that are necessarily employed to do the work of the office. I think if there is any thing or any place where we are too economical it is the clerical allowance in the third-class offices. Take the highest amount of salary—\$1,900—and the total amount is \$800. You can not find a single third-class office where the assistant—he is practically an assistant postmaster, although not classified—where you can get a competent man for less than \$900. I have not found a single office where you can get him, and my investigation has not been confined to my own district nor my own State. I have not found a single office where the postmaster is paying less than \$25 a month out of his own pocket in order to obtain competent help.

Mr. MANN. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. MANN. The amount of the appropriation has been already passed.

Mr. WINGO. Yes; \$1,700,000.

Mr. MANN. If this is increased in accordance with the gentleman's amendment, does anyone know the additional amount of appropriation that will be required?

Mr. WINGO. No; my amendment does not require that this amount shall be appropriated.

Mr. MANN. But the gentleman expects that it will be made.

Mr. WINGO. It will be—

Mr. MANN. I am not saying that the amendment ought not to be adopted, but it will require an increased appropriation.

Mr. WINGO. It will require an increased appropriation, and I think economy at the expense of the service is poor economy. In some parts of the country it may be true that they do not

use that much, but you can not find, as a rule, where they can get along with the present allowance.

Mr. STEENERSON. The gentleman's amendment only relates to the classes between ten and eleven hundred dollars.

Mr. WINGO. That is my first amendment. If it is adopted, I intend to offer an additional amendment to each one of the classes.

Mr. STEENERSON. I presume the chairman will recollect how many third-class offices there are—some 5,000 or 6,000.

Mr. MOON. Oh, yes; more than that. Mr. Chairman, I do not agree with my friend from Arkansas. I think this service is amply paid for and that the efficiency is in no way affected by the present allowance. I guarantee that I can fill every office in these third-class offices with a better man for the present salary.

Mr. WINGO. Will the gentleman yield?

Mr. MOON. Certainly.

Mr. WINGO. Is it not true, and has not the department so advised, that they have not in some instances been able to meet what appeared to be a legitimate demand for an increased allowance by reason of the limitation?

Mr. MOON. I do not know; that may be.

Mr. WINGO. Does the gentleman think that in a town of 3,500 inhabitants, a county seat, with four railroads coming into it, you can get a competent man to handle the service for \$800, where there is only one clerk with the postmaster?

Mr. MOON. Oh, there may be an isolated case of that sort where it can not be done, but I think generally it can be done. There is an unexpended balance on this item of \$187,000.

Mr. WINGO. The reason of that is on account of this limitation; the department can not meet the merits of a particular situation because of this ironclad limit.

Mr. MOON. I do not think that is it. I think this is ample for the service. I do not believe this House ought to increase salaries and compensation along that line. I believe we are paying all that it is worth. The department thinks so, and they are the best judges. I would not want any man to perform services for less than the services were worth, but when there are hundreds and thousands of people clamoring for positions at a less salary I think it is out of order to undertake to increase them.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STEENERSON. In reference to what I inquired about, I find from the report that the number of third-class offices increased last year from 5,942 to 6,044, so that I was pretty nearly right.

Mr. MOON. Yes; I concede the gentleman is right about that. I did not take issue with him in regard to that.

Mr. STEENERSON. Then it would require about \$600,000?

Mr. MOON. Yes.

Mr. HOWARD. Mr. Chairman, I would like to say a word or two in support of this amendment offered by the gentleman from Arkansas [Mr. Wingo]. I want to call the attention of the chairman of the Committee on the Post Office and Post Roads to one class of offices where, I think, and, in fact, I know it is true in my district, the help in the office is underpaid. The salaries of the postmasters are predicated on the receipts of the office, and there is not a large city in the country that has not suburban post offices where a great number of the population work in the larger cities. For instance, I have three offices in my own district that are within 6, 7, and 8 miles of the city of Atlanta. A great volume of mail is handled for these suburban towns, but when stamps are to be purchased and letters are to be mailed, and when other items going to make up receipts of office are considered, the men folks of the families living in the suburbs usually buy their stamps in the city of Atlanta or bring them from their business institutions, and they mail the letters of the family in the large cities. Therefore the receipt of mail and the actual handling of mail in these suburban offices is much larger than the receipts of the office would indicate.

In my own town of Decatur, which is 6 miles from the city of Atlanta, the postmistress herself has to supplement the allowance of the department to get a person capable of doing the work in assisting her in the handling of the volume of mail. The same is true in College Park, 8 miles from the city of Atlanta. The postmistress there supplements the salary of her assistant to the extent of several dollars a month. Now, on the bare cold facts, as they are presented to the department, it would seem that these people are treated as justly as the other postmasters throughout the country, and I am making no complaint as to the Post Office Department, for it has allowed the maximum in each case, but as a matter of fact they are not allowed enough, because they do handle a greater volume of

mail than the receipts of the office would show, and I think the amendment of the gentleman from Arkansas ought to be adopted, and it should be left discretionary with the department for them to fix the amount, so that the department can meet the necessities of cases like those I have mentioned. I think the maximum amount ought to be increased \$100 in each instance, and then we should leave it to the facts in the case with the department, and let them decide whether they would allow the additional hundred. I took this matter up a few weeks ago with the Chief of the Division of Salaries and Allowances, and in the case he allowed the maximum, but that amount was really insufficient. I think the maximum amount ought to be increased for the purpose of allowing the Postmaster General or the Chief of the Division of Salaries and Allowances to investigate cases of the character I have mentioned and say whether or not the postmaster would be justified in having a greater allowance given.

It must also be considered that since there has been any increase of the maximum for clerk hire the parcel post has been added to the service, which greatly increases the labors of postmasters and requires the employment in many instances of male help where formerly women were employed.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. Wingo) there were—ayes 20, noes 29.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer another amendment, which I will ask the Clerk to report.

The Clerk read as follows:

Page 16, line 16, strike out "\$400" and insert "\$500."

Mr. WINGO. Mr. Chairman, the figures given by the gentleman from Minnesota [Mr. STEENERSON] are just about as erroneous as is his conception of the amendment offered. It will not require any \$600,000, and any schoolboy can figure it will require only \$60,000. The chairman of the committee says \$180,000 remains of unexpended balance in this fund at the present time. That is an argument for increasing the maximum allowance. If you adopt my amendment it does not mean that the Post Office Department will be compelled to pay more, but it permits the Post Office Department to use that \$180,000 where it could have used it this year, in cases where there is no question that it should be increased.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Not now. I want to finish this statement—yes; I will yield.

Mr. STEENERSON. Six thousand offices with an allowance of \$100 each would amount to \$600,000.

Mr. WINGO. Six thousand times 100 would be 600,000; but we will not have that many cases.

Mr. STEENERSON. The gentleman just stated it would be only \$60,000. I think his arithmetic is wrong.

Mr. WINGO. If the gentleman knew the number of demands that have been made where the postmasters are paying more now than the office allows them, he would know differently. I stated that I investigated the matter.

Mr. STEENERSON. The gentleman is probably correct about that.

Mr. WINGO. I am not talking about the total number of offices in the United States. I am talking about the number of offices where there has been a demand for an increased allowance, where the maximum amount has been allowed.

Mr. MOON. Does the gentleman know how many of that kind of cases there are?

Mr. WINGO. I think I can give the gentleman the information. I think Mr. Koontz could or anyone connected with the department.

Mr. MOON. I think Mr. Koontz could.

Mr. WINGO. But let us get back to the argument. My amendment simply permits that division to increase the allowance where the showing is made that it should be increased. The gentleman may say that he can furnish plenty of men from Tennessee. I do not know whether he can or not. I think, if the gentleman investigates, he will find that in Tennessee he has at least two offices of this particular class where the allowance is not sufficient to meet the demands. It is true of every congressional district in the United States. This does not call for increased expenditures unless the department, looking into the merits of each case, says there shall be an increase. Can you not trust the department to make the increase? The gentleman says that he is opposed to the increase. His bill carries an increase for the larger offices in the country—an increase of salary in one instance of \$600 to one employee—and yet he goes on and in the name of economy cries out against raising the

maximum allowance to meet emergencies of the kind cited by me.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. HOWARD. Will the gentleman make this proposition clear to the committee, so that it can understand that the gentleman's amendment simply increases the maximum amount and leaves it to the discretion of the department as to whether in each particular case it will grant the increase?

Mr. WINGO. Certainly; and I have repeated that twice. My amendment does not necessarily require it unless the merits of each case, in the opinion of the department, necessitate this increased allowance. I have in mind one place where the postmaster is going to resign because he now has the maximum, and in order to get the proper clerical service, owing to the peculiar conditions which exist in his town, he can not make out of his salary sufficient to maintain himself after paying his clerks; and this man was not a candidate for the position. He was appointed not because he was a candidate but because he is the best qualified man, with a peculiar fitness for the post office, and he took it. Now, will you say, in an instance like that, the department should not be permitted to see that that man has a sufficient allowance to get the necessary clerk hire?

Mr. MANN. Will the gentleman yield for a question?

Mr. WINGO. With pleasure.

Mr. MANN. There are, as I understand, something like 6,000 third-class offices affected or which might be affected by the paragraph and appropriation.

Mr. WINGO. Yes; 6,000.

Mr. MANN. The appropriation is \$1,700,000, and the amount of possible maximum allowance runs from \$300 to \$800. I take it that shows that the maximum amount is not and can not be allowed to all of these offices. If the maximum amount authorized were allowed to the various offices, the total sum would far exceed \$1,700,000 of appropriations.

Mr. WINGO. If the gentleman will pardon me, my understanding is there is a maximum allowance that is only allowed in about 10 per cent of the cases that go to these larger offices. There are a lot of third-class offices that are very near offices of the second class, and a greater allowance is needed in about, say, 10 per cent of the cases.

Mr. MANN. The gentleman probably has answered the question, really, which I desired answered, and that was this: Where we make this appropriation of a maximum amount, sometimes that is mere pro forma, and the maximum amount is not allowed unless it is required. In many other cases where they fix the maximum amount it is always allowed and so construed. I take it, of course, in these cases, from the gentleman's statement, that in fixing the maximum amount it does not mean it is to be allowed as a pro forma amount.

Mr. WINGO. No; as a matter of fact, we know the maximum is not allowed in a great many cases of this kind.

Mr. MANN. And could not be allowed under the appropriation.

Mr. WINGO. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I would ask that the gentleman have five minutes more; I took up a good deal of his time.

Mr. WINGO. Three minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Arkansas may proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Here is one thing to which I wish to call attention. The very fact that the department has \$187,000 unexpended balance shows that the maximum has not been allowed, even to the extent the department might allow it. That is true; but there has been a wonderful growth—and I think the department will tell the gentleman so—there has been a wonderful demand for an increase beyond the maximum in a great many cases, especially a demand in the West along the line of new railroads. In other words, here is a post office that has not quite reached another class. As a matter of practical experience and practical knowledge you recognize it will require about as much clerk hire for an office which is about reaching the third class from the fourth or the second class from the third, and this increase of \$100 is something that ought to be made.

Mr. HOWARD. Will the gentleman permit me to interrupt him?

Mr. WINGO. Certainly.

Mr. HOWARD. I want to call the attention of the gentleman to the fact that the postmasters in my district say the parcel post has increased the general expenses of the office about one-third.

Mr. WINGO. It does not make any difference what causes it; as a matter of fact we know there is an increase. There is a general increase of the number of third-class offices becoming second and fourth-class offices becoming third. There has been a great development in this line in the last 12 months.

Mr. SLOAN. Has there been any increase in the maximum since the parcel post was put into operation?

Mr. WINGO. I can not say, but this is the present law, as I understand it, carried in the bill.

Mr. SLOAN. And that is no greater than it was before the parcel post was put into effect?

Mr. WINGO. I do not know; but I know it is not increased over the present law. My information is that there is no increase over the present maximum allowance.

Mr. MOON. The gentleman is correct; that is the present law. The gentleman says that because there is an unexpended balance of \$187,000 that is an evidence of the fact that we ought to increase the amount beyond which they can not go in the payment of salaries of postmasters—

Mr. WINGO. I beg the gentleman's pardon, if he will allow me to correct him. I said this argument was an indication that the estimates had not been correct in reference to the maximum, because they had estimated they would need more, and yet the maximum was so low they could not use it to meet the necessities of individual cases.

Mr. MOON. Mr. Chairman, as a matter of fact, that is not correct. If that is an evidence of anything at all, it is evidence of the fact that there is left in the department down here \$187,000 that has not been called for, or if called for could not be obtained under existing law. I suppose the gentleman will not take issue on that proposition.

Mr. WINGO. I agree with the gentleman on the last proposition.

Mr. MOON. We have no evidence before the committee of any calls that have been made that have not been responded to, but the evidence inferentially is exactly the other way. The Post Office Department recommends a reenactment of this very section word for word in the report that is made and in the estimates. Now, if they have been embarrassed in any way, they would not have made that recommendation. Now, there may be some two or three little post offices about in the country where gentlemen think they are not being sufficiently paid, but we have got to take this country as a whole, and I reassert that they can get a dozen men at these places—

A MEMBER. Or women.

Mr. MOON. Or ladies for these places. Now, this thing of openly and flagrantly increasing the appropriations, when there is no fact to justify it and when the department did not want or ask for it, I think ought not to be undertaken in this House.

Mr. RUCKER. Mr. Chairman, I think it can safely be said that the amount paid postmasters is not excessive; that it is reasonable compensation. If that is true, then the allowance made for clerical help in the post office, which in a third-class office means an assistant postmaster, in effect, is shamefully too low. The language of this bill, in my opinion, would be better if the amendments offered by the gentleman from Arkansas were adopted, and then the bill should be still further amended so as to read that no sum of less than \$400 shall be paid. What does it mean? It means that in a third-class office, where the \$300 proposition applies, the postmaster is expected to find somebody to serve for \$25 a month. The gentleman from Tennessee says he can find plenty of men in his State who will work for that sum—

Mr. MOON. And plenty of women, too.

Mr. RUCKER. And I say the United States Government ought not to ask any man or any woman qualified to perform this service to work for \$25 a month.

Mr. MOON. I will suggest to the gentleman that we are on the other section now—of \$400.

Mr. RUCKER. It requires ability, it requires integrity, it requires efficiency; and I say that when the Government demands those qualifications of its citizens we ought to pay an adequate and reasonable salary. If the salary of the postmaster is too high, cut it down; but as it stands to-day the United States Government invites every man named for third-class postmaster by the Post Office Department to go into his community and coerce, as it were, by taking advantage of the necessities of some poor man or poor woman and command their services for the public for 12 whole months for \$300. I say it is wrong. These amounts ought to be increased, and I hope this committee will increase them.

I am not particularly concerned about these items. I am not in favor of raiding the Treasury. I am in favor of economy—not theoretical, but actual, practical economy. But my notion is, expressed candidly, that we ought to commence economizing

with those who draw large salaries and not eternally plead poverty or inability of the Government to pay and detract and deduct from the meager pittance paid to those who draw low salaries and who actually perform services—

Mr. MOON. Will the gentleman allow a question?

Mr. RUCKER. Certainly.

Mr. MOON. The gentleman was discussing this matter as though we were paying the postmaster \$300; but that is not the proposition.

Mr. RUCKER. The gentleman misunderstood me.

Mr. MOON. The postmaster here gets \$1,300, \$1,400, or \$1,500 a year, and he is allowed this additional help at \$400. Suppose he is getting \$1,500 and he is getting help at \$400; that makes a salary of \$1,900. Do you not suppose that most of the men in this country at these little offices would accept that salary of \$1,900 and pay it all for one man, without any allowance at all, much less than \$400 for help?

Mr. RUCKER. My dear sir, I am one of those Democrats who believe that the man who performs more work in the little towns to which the gentleman refers than some gentlemen do in big towns ought to be paid a reasonable compensation for his work, although performed in a little town. And I say if the salary of \$1,100 paid to the postmaster is not too much, he ought not to be required to share it with his clerk. The gentleman concedes that to be the right amount to pay in some offices and that \$1,500 is the right amount to pay in other offices. For what? For the service rendered by the postmaster himself. Now, when it comes to authorizing him to provide clerical help we ought to pay him an adequate sum and enable him to pay a person a reasonable sum for the service rendered.

Mr. TUTTLE. Mr. Chairman, I hardly think that conditions justify the increase in the pay of these clerks in the smaller offices. I represent a suburban district in northern New Jersey, a district of the character to which my friend from Georgia referred. The post offices in that district are both small and large, and their receipts are greatly reduced by reason of our close proximity to New York. I do not think, however, that there is any reason to believe our postmasters in the third-class offices are underpaid or that their allowance for clerk hire is insufficient. On the contrary, my experience and my observation are that they are overpaid if anything, that the compensation which they are receiving as postmasters exceeds that which they would receive in private business, and is more than industrial concerns pay for the same class of service.

Mr. RUCKER. Then, do you not think you ought to reduce the salary of the postmasters?

Mr. TUTTLE. I certainly do. It is my opinion that the salaries of many of these postmasters should be reduced.

Mr. RUCKER. Do you believe in these offices where the salary is \$1,000 or \$1,100 or \$1,200 and the allowance for clerk hire is \$300 that the \$300 is excessive?

Mr. TUTTLE. It goes to the postmaster and is evidently sufficient, because there is a great rivalry for these offices.

Mr. RUCKER. It goes to the postmaster, as I understand it, with the recommendation that he may employ assistants at \$300, and he uses that argument.

Mr. TUTTLE. The postmasters are glad to have the offices under those terms, and they feel that they are well paid, and I believe they are. They employ members of their family—women and young men—and they have no difficulty in running the offices efficiently.

Mr. RUCKER. I do not know how it may be in New Jersey, but I will say it is not true in the State in which I live.

Mr. TUTTLE. Of course the cost of living is high in New Jersey, and they would suffer there if they would suffer anywhere, because we are on the edge of New York City, where expenses are said to be higher than elsewhere.

Mr. BARKLEY. Will the gentleman yield?

Mr. TUTTLE. I will.

Mr. BARKLEY. This \$300 is not paid direct to the postmaster, is it?

Mr. TUTTLE. It is an allowance for clerk hire.

Mr. BARKLEY. Suppose he does not have any clerk hire, but does the work himself, does he get the \$300?

Mr. TUTTLE. I do not think so. I think he has to account for the clerk.

Mr. BARKLEY. He has, of course, to advise the department of the fact that he has employed this assistant at the \$400 rate or the \$300 rate, and it is allowed to him?

Mr. TUTTLE. Yes.

Mr. BARKLEY. Now, in cases where the office pays \$1,300, \$1,400, or \$1,500, frequently it happens that one clerk is not enough. I know that there are offices in my district that pay no more than \$1,500 where it is necessary to have two clerks

besides the postmaster. In that sort of a case he is expected to give up part of his own salary to get the additional clerk or get the additional clerk in the \$500?

Mr. RUCKER. Four hundred dollars.

Mr. BARKLEY. Yes; \$400 instead of \$500.

Mr. TUTTLE. Yes.

Mr. BARKLEY. The gentleman's position, then, is that the compensation of the postmaster is above what it ought to be to justify him in giving up part of it to pay this expense?

Mr. TUTTLE. That is my position exactly. That is the opinion I have arrived at from a study of these post offices in New Jersey. The postmasters are very well paid for the work that is done.

Mr. BARKLEY. Does the Government pay the rent for all presidential post offices?

Mr. TUTTLE. Yes; it makes an allowance also for light and heat.

Mr. MANN. Mr. Chairman, the gentleman from New Jersey [Mr. TUTTLE] says that, representing a district that is suburban to New York, the salaries of postmasters there are thereby decreased. That is a novel idea to me. Having some observation of suburban districts around Chicago, a portion of which at one time were within my district, I learned that the salaries of the postmasters at all of these suburban towns were very largely increased, because the suburbanites would buy their postage stamps at the suburban office more conveniently than they would buy them in the city and carry them into the city, where the mail was canceled; and in all these suburban towns near the large centers the postmaster's salary is not decreased, but considerably increased because of these receipts from the sale of stamps.

In the course of my life I was at one time in charge of a fourth-class and a third-class post office. It was not under civil service, and it is a tribute to human nature to say that, notwithstanding all the assertions about people not resigning, I voluntarily quit the office to study law. I am not sure that it was wise.

In many of these offices there is a considerable amount of additional work required beyond that of merely taking care of the patrons of the office. There are lots of third-class offices which in a way are terminal offices which have an extra amount of work to do, and these allowances that are made under the existing law are usually made because of extra work to be performed at the particular office over that which is ordinarily required at the average third-class office.

Now, we make an arbitrary limitation of the amount. I think possibly that may have been wise in the first place. It may be wise to keep an arbitrary limitation in the bill. And yet it is impossible to classify all of the third-class offices and say which one may need more money for actual service rendered and hit it right in every case. It must depend upon the particular facts of the case, and it seems to me that it would be wise and businesslike to leave it to the Post Office Department to determine what should be the allowance on account of special work at a particular post office.

The facts in the past have shown that the department does not allow these maximum amounts simply because we permit it. The department in acting upon a case acts upon the merits of the case. It must have done so in the past. It is not a pro forma allowance. I can not see any objection to permitting the department in some case where it is now only authorized to allow \$300 for extra service to allow \$400 if, in the opinion of the department, the extra work required at that office justifies the allowance.

Mr. MOON. Mr. Chairman, I want to say, in reply to the statement of the gentleman from Illinois [Mr. MANN], that it is proper to leave the whole matter in the discretion of the department, and the department, in the exercise of its discretion, has especially recommended that no higher figure be given than that named in the bill now. It is known to all of us that when we use the language "fixed at a maximum figure," the persons who are proposing to get the advantage of it always press to the limit. If the amount beyond which you can not go is \$400, they will press for the \$400, all of them, until they get it, or as nearly so as possible. If you had made that limit \$500 at that particular office, they would have pressed for \$500.

It is wise for us here to make that reasonable limit which the department proposes to us to make and which has seemed to it best as an administrative proposition, and I hope that the House will vote against this amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer an amendment. On page 16, line 17, I move to strike out "\$500" and insert "\$600."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arkansas [Mr. Wingo].

The Clerk read as follows:

Amend, page 16, line 17, by striking out "\$500" and inserting "\$600."

Mr. WINGO. Mr. Chairman, the remarks of the gentleman from New Jersey [Mr. TUTTLE] indicate that it is very wise that we have an arbitrary maximum. It also is a good argument to support the proposition of not undertaking to classify arbitrarily all these offices, but to have some discretion left in the department. I am sure my friend from New Jersey, simply because he can get men cheaply in his district, would not want to limit the department in paying what men are worth in other parts of the country.

Now, he may be able to get a young man in his district, a competent young man, for deputy postmaster in one of these towns for \$400, as he says. I do not know about his district; I will not speak for his district. He knows about it. But you can not do it in mine. It may be that because my country is a newer country wages and everything else are naturally higher there.

But take the arbitrary maximum in this class. There is not a deputy postmaster in any third-class office in my district that can afford to take the position for that amount, so the postmaster is compelled to take part of his own salary to make up the difference. I do not know how it is in other districts. If you are satisfied in your own district, is there any reason why you should object to leaving it to the department to meet the necessities and demands of some other place? The gentleman says he thinks the salaries for these small post offices are too high, and he is against increasing salaries. Yet in this same bill which you bring in here you increase the salary of one man in the neighboring city of New York \$600 a year, or from \$3,200 to \$3,800. Yet you object to the small salaries in the small towns.

Mr. TUTTLE. Does the gentleman think that \$3,800 is too much for a man who has charge of 3,000 men?

Mr. WINGO. I do not know; because I do not know what work he does. Neither does the gentleman know the work that is done in these smaller places, where they can not get men for \$400 or \$500.

Mr. TUTTLE. I have lived all my life in small towns, having second and third class post offices.

Mr. WINGO. The gentleman does not know anything about the West.

Mr. TUTTLE. I believe that in my district the demands upon all persons because of the high cost of living are as great as in any part of the country.

Mr. WINGO. Has the gentleman investigated the demands in Oklahoma?

Mr. TUTTLE. I have not.

Mr. WINGO. Or in Arkansas, or Missouri, or Texas, or Tennessee? The gentleman does not know anything about the demands out there. Now, I have investigated them. Of course you are going to vote this down. You are perfectly willing to increase the salaries in New York City and the other large cities. You are perfectly willing, you who cry economy, to increase the salaries of men in the larger cities, but you refuse to do justice to the postmasters and clerks in the smaller country towns. You not only deny them justice, but in some instances the same men who vote for the increased salaries in the larger towns say that the men in the smaller towns are getting too much. To be frank with the gentleman, I have no patience with any such philosophy of economy as that. I believe that the man in a town of 3,500 is worth just as much as the man in a town of 35,000 or 3,500,000. It may be true that living expenses are higher in the larger city, and that ought to be taken into consideration in fixing the salaries for such a city; but when it comes down to a question of the worth of the man, there can not be such a great difference between those in the cities and those in the country towns, and no man can make me believe it.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. WINGO. Certainly.

Mr. GOULDEN. I think the gentleman wishes to be fair.

Mr. WINGO. I want to be fair.

Mr. GOULDEN. That is the gentleman's reputation, and that is my observation of him. Now, when the gentleman says there is an increase of \$600 in the large city offices he overlooks the fact that there is the absolute wiping out of a \$4,000 position; that of the assistant postmaster.

Mr. WINGO. That is true.

Mr. GOULDEN. And the same man who occupies that place, according to the universal views expressed here, is expected to occupy this new position, and in most cases I am sure he de-

serves it in every respect, but he will take the new position at a salary \$200 less than he has been receiving.

Mr. WINGO. Now, that involves the merits of a particular case. What I say is, if there is a particular case in Oklahoma, or Arkansas, or Tennessee, where it will require that a man be paid \$600, do you not think you should allow the department to have some discretion in the matter, and not limit his pay to \$300?

Mr. GOULDEN. I surely do, as I believe in a square deal all around, no matter what section is affected.

Mr. WINGO. That is all I am trying to get.

Mr. MOON. Mr. Chairman, I am surprised that the gentleman from Arkansas should try to array the country against the city. That is an old political dodge. Inasmuch as I represent a country district, I think I have a right to express my opinion on this subject. This supervisor in New York, whose salary of \$3,800 the gentleman speaks of, has control of as many men as would be employed in a thousand post offices like the one the gentleman talks about. Proportionately, therefore, the salaries and allowances to the man in the country are very much greater everywhere than they are to the man in the city, and necessarily so. Now, some gentleman says he can not get men to take the positions. Why, take your clerks in the dry-goods stores in your town at home, or the accountants. I venture to say that there is not one in 50 among them who is getting \$75 a month, and here this man gets \$75 a month.

Mr. RUCKER. How do you make \$75 a month out of a salary of \$300 a year?

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. Wingo].

The amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 19, strike out "800" and insert "900."

Mr. WINGO. Mr. Chairman, the gentleman from Tennessee [Mr. MOON] says I am trying to array the city against the town. I am not trying to do that, but I want to tell you that such unjust discriminations as you seek to make by this bill will justly make the country feel that it is not getting a square deal. The gentleman says that not one clerk or accountant in fifty in these towns is getting \$75 a month. That statement shows that the gentleman knows absolutely nothing about my district.

Mr. MOON. I did not say "no man," I said "a majority of them."

Mr. WINGO. Well, I will still let the statement stand.

Mr. MOON. Then the gentleman has got a better district than I have.

Mr. WINGO. Certainly; I moved from Tennessee to Arkansas because Arkansas was the better State.

Mr. MOON. Tennessee is sorry to lose the gentleman, but sorry that he turns up, as he does, in Arkansas.

Mr. WINGO. I had energy enough to get out of Tennessee and the gentleman had not.

Mr. MOON. May I suggest to the gentleman that he ought not to go back on his old State.

Mr. WINGO. I am not going back on it.

Mr. MOON. The gentleman knows what is said about the birds.

Mr. WINGO. Yes, I know what is said about the birds; and I know what is said about a certain animal, too. [Laughter.] But, seriously, gentlemen, here is a proposition; and I say there is not such a distinction between the salaries in the small towns as in the cities. I know there is a distinction to be made by reason of the increased cost of living, but there is not such a distinction as you make in this bill. Now, I am not speaking from guesswork. I know what I am talking about. I know one office where a postmaster gets up at 5 o'clock in the morning and stays in his office at work until 9 o'clock at night. He has two clerks in the office—one woman and one man—to help him. He is not given a sufficient allowance to pay for the man that is there. Now, this man can not afford to keep that post office. He can draw a bigger salary than he is now getting as mail clerk. He was appointed to that particular office because he is a competent man. I do not pick up any curbstome politician. You can do that; there are plenty of them in Tennessee and Arkansas and elsewhere, but when you put in a post office a competent man I say it is a false economy not to pay him sufficient to get competent clerk hire and keep that clerk's services up to the standard of efficiency. I for one do not believe it is democratic economy to practice economy at the expense of efficiency.

I am willing to increase the salaries of New York, if it is necessary, to get efficient, competent men, but I think the Gov-

ernment ought to meet the emergency in the smaller offices. I do not believe that you ought to pay a Government employee less than he can get in a private employment, but you ought to pay him the same amount that he would receive in a private employment if his services are worth that much. I know of an office in my own district where the allowance will not pay the man what he can get in private employment in the same class of work and for really shorter hours of service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were 12 ayes and 21 noes.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 16, line 22, strike out the figures "600" and insert "900."

Mr. WINGO. Mr. Chairman, if any Member here believes that \$50 a month is the maximum amount that should be paid deputy postmasters of the third-class offices, that that is the most they can honestly earn, why, you can vote down my amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were 9 ayes and 24 noes.

Mr. WINGO. Mr. Chairman, I demand tellers.

The question was taken, and tellers were refused.

The Clerk read as follows:

For rent, light, and fuel for first, second, and third class post offices, \$5,400,000: *Provided*, That the Postmaster General may, in the disbursement of the appropriation for such purposes, apply a part thereof to the purpose of leasing premises for the use of post offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding 10 years; and that there shall not be allowed for the use of any third-class post office for rent a sum in excess of \$500, nor more than \$100 for fuel and light, in any one year.

Mr. WINGO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 7, strike out "500" and insert "600."

Mr. WINGO. Mr. Chairman, the object of offering that amendment is that I know of cases where rents are legitimately higher than this maximum allowance. I have in mind one town where the rent of a 25 by 70 foot building is \$50 a month, and that is what the merchants are paying. They are making an effort now, because of the burning of the old post-office, to get a new site. It is a town of about 15 years of age, and the wooden part has been burned away, and there is nothing but brick buildings left, and has not been for a few years. The maximum allowance is \$600 for rent, fuel, and light. He can rent a building now for \$50 a month. I do not believe the Government ought to pay any less than what the rents of the building will bring in town. I know some instances where the Government pays more, but in many instances the Government can not get rents of a suitable character. In that town you have to go on a side street, in an out-of-the-way place, in order to get a rent at that price.

Mr. MADDEN. Will the gentleman yield?

Mr. WINGO. Certainly.

Mr. MADDEN. Does not the gentleman think the fact that the law authorizes the Postmaster General to make a lease for 10 years is of some importance in connection with the ownership of buildings? Is it not better for him to make a lease for \$500 a year for 10 years than to make shorter leases at a higher rate?

Mr. WINGO. That is true in the old settled community, but in towns which are just developed no man will bid for a 10-year contract. Five years is as long as you can get a bid on a contract. I have in mind a man who says that he will not bid for a longer contract than five years, because he knows the town is going to grow up, that another railroad is sure to come through there, and it will be the junction of several roads. Of course he would be foolish to tie himself up for 10 years. I think he would be foolish to tie himself up for five years. But you ought to have some latitude so that the department can meet just such a situation.

Mr. MOON. Mr. Chairman, this is not a new item. This is exactly the amount that has been carried for years, and the amount the department finds sufficient to meet the demands along this line. On account of the growth of this service there have been some \$200,000 added to this appropriation. Unless the department—and it does it as often as we ought to want it to do it—demands more money for the service down there, it seems to me this House ought not to insist upon first endowing the

department with appropriations it does not want and does not ask for and does not need. I am surprised at my friend from Arkansas. He makes his district out to be in worse condition, so far as these matters are concerned, than any other district in the country. It must be an isolated case. The demand is not made anywhere else. The department is not asking for any more money, it is not needing any more money, and it is not wanting any more money, and why should we give it any more money? To do so would be only upon one theory, and that is that we know more about the administrative work down there than those people do themselves, that we know they ought to have more money and ought to spend more money than they do expend. I am not willing to take that position. I am always glad to know when they have a decrease, and I am well enough pleased to know that they are not asking for any more than in previous years.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 17, line 8, strike out "\$100" and insert "\$150."

Mr. WINGO. Mr. Chairman, the gentleman from Tennessee [Mr. Moon] does me an injustice in his inference that if we support the amendment it will be upon the ground that we know more about it than the department. That is not true; but I think I know more about towns in my district than the gentleman does or that the department does. I think I know more about my district than he does. Of course it is an isolated instance. My whole plea is to allow the department sufficient latitude to meet these emergencies. Here is a proposition for fuel and light. I will tell you how they have to do. The merchants in the towns have to go down in their pockets and pay the man who furnishes these buildings with heat and light. The department will have to admit that. You can not get light and fuel in a good many towns for \$100 a year.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SLOAN. Is the fuel question an especially pressing one in this town of which the gentleman speaks?

Mr. WINGO. I am not speaking about that, but you can find plenty of cases in your own district where light and fuel can not be had for \$100.

Mr. HAMILTON of Michigan. He will find hereafter that it can easily be had in sufficient quantities for that sum. [Laughter.]

Mr. WINGO. I did not intend to stir up any unpleasant forebodings, but it is a fact that in most towns the merchants chip in and help pay the owner of the building, so that they will be able to get the post office on their streets. In other words, you take up a collection to support the Federal Government's business in a town.

Mr. MANN. Mr. Chairman, the gentleman from Tennessee [Mr. Moon] has several times referred to what the department has asked for and what they have not, and I sometimes wonder whether it is possible to tell what the department asks for and what it does not. While this may not be strictly in order, it will have to come in at some time during the debate. In the recent report of the Postmaster General, on page 1, he says that the audited expenditures for the year amounted to two hundred and eighty-three million dollars and odd and that the adjusted losses due to fire, burglary, and so forth, amounted to \$14,333.46. I call attention especially to the adjusted losses due to fire, burglary, and so forth. That is on the first page of the Postmaster General's report, page 3 in the pamphlet. On page 4 of the pamphlet we find again, reported revenues, two hundred and eighty-seven million and odd dollars and charges against revenues for losses due to fire, burglary, and so forth, \$14,333.46. That is the same amount, the same item, on pages 3 and 4 of the report. On page 54 of the report we find the same thing repeated. Excess of revenue over expenditures, 1914, four million and odd dollars, and amount of losses due to fire, burglary, bad debts, and so forth, \$14,333.46. When I read this same item in three different places in the Postmaster General's report I assumed—temporarily, at least—that it was correct, that they had given the figures correctly three times. It is very unusual to set down any set of figures three times in the report of the Postmaster General. He gave the same figures three times for the amount of loss by fire, burglary, and so forth, as \$14,333.46. I then recalled that I had read on page 49 of this report the following statement:

The Postmaster General is authorized by law to reimburse postmasters for losses of Government funds and stamp supplies resulting from "fire, burglary, or other unavoidable casualty," and for losses of

such funds in transit to their designated depositories. The total number of claims received during the year was 1,467, an increase of 66 over the previous year and the largest number ever received in any one year. Claims to the number of 959 were settled, of which 722 claims, aggregating \$112,999.54, were allowed.

Then I picked up the report of claims of postmasters for losses on money by fires, and so forth, in the letter of transmittal from the Postmaster General, which gives the total of all of these, and it concludes by giving the total of \$112,999.54. Three times the Postmaster General reported the amount as \$14,333.46, and twice he has reported it at \$112,999.54. I do not criticize the Postmaster General. Undoubtedly he obtained the information from his subordinate officers; but does he get one set of figures from one set of officers and another set of figures from another set of officers? I question whether the Post Office Department always knows what it is asking for, or whether we can tell what it is asking for, when on a small item like that three times the Postmaster General reports \$14,333.46, and twice he reports \$112,999.54 in the same report.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced the noes appeared to have it.

Mr. WINGO. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 9, noes 17.

Mr. WINGO. Mr. Chairman, I ask for tellers. It might serve the useful purpose of getting more Members in here.

The CHAIRMAN. The gentleman from Arkansas demands tellers.

The question was taken, and tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

For horse-hire allowance, the hiring of driving and the rental of vehicles, \$2,600,000.

Mr. MOON. Mr. Chairman, I offer the following amendment. Strike out the word "driving" and insert the word "drivers."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 24, strike out the word "driving" and insert the word "drivers."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

For car fare and bicycle allowance, \$565,000.

Mr. MOON. Mr. Chairman, I move to strike out, in line 1, page 18, after the word "fare," the words "and bicycles."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 18, line 1, strike out the words "and bicycles."

Mr. MANN. May I ask the gentleman the reason for this?

Mr. MOON. Yes; the reason for this is, the bicycle allowance is covered in another item.

Mr. MANN. Does the amount remain the same?

Mr. MOON. The amount is reduced.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For per diem allowance of 2 assistant superintendents, while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed \$3 per day, and for their necessary official expenses not covered by their per diem allowance, not exceeding \$500; in all, \$2,660.

Mr. MOON. Mr. Chairman, I move to amend by striking out "\$2,660" and inserting in lieu thereof "\$2,120."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 22, in line 7, by striking out "\$2,660" and inserting "\$2,120."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, \$851,000.

Mr. MOON. Mr. Chairman, I move at this point to strike out "\$851,000" and insert "\$845,000."

The CHAIRMAN. Will the gentleman withhold his amendment until after the Clerk finishes the reading of the paragraph?

Mr. MOON. I thought on yesterday a ruling was made that we should stop before the proviso, although at that time I thought the better practice was to conclude the reading of the paragraph.

The CHAIRMAN. This appears to be a little different case, if the gentleman will pardon the Chair, the Clerk will finish the reading of the paragraph, and then the gentleman can offer his amendment.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, \$851,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except

that the Postmaster General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car-mile of travel: *Provided further*, That the rates for electric car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed \$15,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster General, where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed \$100,000 of this appropriation may be expended for regulation screen or motor screen wagon service which may be authorized in lieu of electric or cable car service.

Mr. MOON. Mr. Chairman, I move to amend, line 9, page 22, by striking out the figures "\$851,000" and inserting in lieu thereof "\$845,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, amend, in line 9, by striking out "\$851,000" and inserting "\$845,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The appropriation for two delegates to the International Postal Union at Madrid to be appointed by the Postmaster General from the Post Office Department, made by the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, is hereby continued and shall be available for such convention when it shall be held.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph. What does this International Postal Union propose to do?

Mr. MOON. It proposes to make agreements and conventions in reference to transportation of mails, postage, and interchange of mails between the respective countries participants in such conventions, and many other things that pertain to the foreign postal service.

Mr. FOSTER. Well, how much appropriation was made in 1912?

Mr. MOON. Five thousand dollars.

Mr. FOSTER. How much has been used?

Mr. MOON. Why, there has not been any convention held, and there may not be any the next time.

Mr. FOSTER. And this is to make arrangement between this country and foreign countries—

Mr. MOON. Yes; in the event the war ends.

Mr. MANN. Mr. Chairman, my colleague from Illinois will recall that two years ago there was a contest over this, and we reduced the amount of appropriation proposed from \$10,000 to \$5,000.

Mr. FOSTER. That is my recollection.

Mr. MANN. And \$5,000 is all right for the convention if held.

Mr. FOSTER. So we have not spent any of the money?

Mr. MOON. None; we have not had a convention.

Mr. MADDEN. Mr. Chairman, I would like to say further, in reply to my colleague's question, that these conventions have fixed the postal rate between all the members of the union, and unless we are in the union we can not get advantage of the rates that are fixed by the Postal Union.

Mr. FOSTER. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Second Assistant Postmaster General, \$1,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question for information. Is there any provision in here regarding terminals for circularized matter? I have had a good deal of complaint about the sending of circulars through the mail on account of the delay in getting them to their destinations.

Mr. MOON. I do not know of any provision of that sort.

Mr. CULLOP. As I understand it, there has been some new regulation made by which circulars sent out either pass directly through the town or city for which they are intended and to which they are addressed to a terminal, and there a redistribution takes place, and in that way the distribution of these through the mails is very much delayed, to the great inconvenience and sometimes injury to the patrons of the service.

Mr. MOON. That would be purely an administrative proposition, of which this committee would not take cognizance unless it was brought expressly before it. I know of no complaint of that kind before the committee.

Mr. CULLOP. Well, I did not know whether there was any provision in this bill for the regulation of that matter or not.

Mr. MOON. No.

Mr. CULLOP. From the complaints I have received from the patrons of the department, it seems to me that there ought to be some change made in the regulations regarding this service. As I understand it now, terminals are established over the coun-

try for the purpose of handling the circularized matter that is sent out from the wholesale houses and other businesses which circularize the country, which very much delays the distribution.

Mr. MOON. The gentleman may be speaking of the general terminal service that is supplied in a great many cities, and not merely to circulars, but to all classes of mail.

Mr. CULLOP. This seems to have applied largely to the mail for circulars. For instance, I had a letter the other day in which it was stated that the circulars sent out for a certain meeting of importance passed through the town on to the terminal, were stored away there some time for redistribution and for retransportation, an additional cost, and they arrived at their destination three days after the convention was over and too late for use.

Mr. MOON. That is a matter for the department.

Mr. CULLOP. Is that kind of practice going on in the service? It seems to me it ought to be regulated in some way, or at least stopped, so that the people would have prompt service for which they pay. I have been looking through this bill to see if there is anything on that subject and have failed to find anything, and consequently I ask the chairman of the committee for information on the subject.

Mr. MOON. I would say to the gentleman there is nothing in the bill on that subject of which I am aware. I never heard the question presented before.

Mr. CULLOP. I could show the gentleman, I think, some pretty strong letters condemning the matter very thoroughly and, further, showing an improvement should be made in this branch of the service, in order that it fulfill the requirements of the public and serve the convenience of the people who pay for the service. The efficiency of this department should be zealously guarded, and wherever improvement can be made it should be done and opportunity for criticism removed.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

In reference to the matter spoken of by the gentleman from Indiana [Mr. CULLOP] I have, contrary to the experience of the chairman of the committee, received many complaints concerning the matter of delayed distribution of mail.

Mr. MOON. I have no doubt of that. However, I have not had them.

Mr. STEENERSON. I have heard of complaints that the distribution of mail has been delayed in the different terminal offices. Now, the cause for that, I will say to the gentleman from Indiana, so far as I can learn, arises from the efforts of the Post Office Department to save space in the railway post-office cars. It is a fact that since the addition of parcel post to the mails a great deal of space is required, and if all the space that they could conveniently use were allowed for distributing mail en route, then the railway post-office car service would be greatly augmented. This would add expense. But in order to overcome that tendency which has developed by reason of the parcel post the department has made an effort to do the distributing in place of having it done on the moving cars, in the terminals. It has been a subject of complaint in the large cities, like St. Paul, Minneapolis, and Chicago. In one instance, in Chicago, circulars which, for instance, announced an event for the 10th of the month, had been mailed on the 5th and not distributed until after the event.

Mr. CULLOP. Will the gentleman permit an interruption there?

Mr. STEENERSON. Certainly.

Mr. CULLOP. In inaugurating that system the department, I should think, would economize very much, because they are hauling, in many instances, this matter addressed to some town and through it to some terminal. It is there stowed away and in the course of business redistributed, hauled back part of the way over the same road, for which the Government has to pay, to the town to which it was addressed, and has been delayed, in many instances, several days, and both the work and the expenses multiplied for handling it; whereas if they had the distribution of it in the car and would drop the matter at the destination to which it was addressed they would save that expense of duplicating the hauling and the handling.

Mr. STEENERSON. That is a matter of administration. There is no doubt but there is a great deal of delay since the addition of the parcel post, because of the distribution in the terminals.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEENERSON. There is nothing in the paragraph under consideration relating to this matter, because that relates entirely to a different subject.

Mr. CULLOP. I did not contend there was anything in this paragraph, but I asked for information on the subject, and desired to call the attention of the committee to the service, about which there is a great deal of complaint.

Now, while we are on that subject, I want to call the gentleman's attention to another matter. A great many complaints have been made lately about losing parcel-post packages in transportation. I have had a number of those recently, in which they seem to have been lost—at least they did not reach their destination. They were either lost or stolen. Has the gentleman any complaints of that kind?

Mr. STEENERSON. Well, I want to finish what I have to say on the other matter first. There is nothing in this paragraph, but it is important that we should consider this feature of administration. The committee did not deem it necessary to provide any new legislation to remedy the defect, because it can be remedied by administrative action. If they will authorize or order sufficient distributing space in railway post-office cars, the distribution need not be delayed. But it is a fact, as stated by the gentleman from Indiana, that there is considerable complaint on this score.

As to the loss of packages, of course that is an incident to the business, and the parties have the right to insure them. It does not require any legislation. That is all I have to say.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE FOURTH ASSISTANT POSTMASTER GENERAL.

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferrage, Rural Delivery Service, \$54,700,000: *Provided*, That not to exceed \$20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That for experimental purposes, under such regulations as he may prescribe, the Postmaster General is authorized to advertise for proposals and to enter into contracts with the lowest responsible bidders for a period of not exceeding four years, for performing service on rural routes in one county in each State, and to pay for the same out of the amount hereby appropriated.

Mr. MOON. Mr. Chairman—

Mr. CANDLER of Mississippi. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] is recognized.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. MOON. I am making the point of order. The gentleman from Mississippi [Mr. CANDLER] need not bother himself about that. I have the floor.

Mr. MANN. The gentleman has not the floor on the point of order. I make the point of order.

Mr. MOON. I make the point of order. That is what I rose for, exactly. I make the point of order on that part of the section commencing on line 13 with "*Provided further*," and the balance of the paragraph. That is subject to a point of order. The rule does not cover it, and I do not care to discuss the question, but ask that it be stricken out.

The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] makes the point of order on the language pending in the bill, on page 25, line 13, commencing with the words "*Provided further*," to the end of the paragraph. The Chair thinks the language is subject to a point of order. It is new legislation.

Mr. CANDLER of Mississippi. Mr. Chairman, I move to strike out the last word just simply to remark that I rose for the purpose of making that point of order, and the gentleman from Tennessee was recognized and started to make some remarks. I did not know whether he was going to make a point of order or not, and therefore I insisted on the point of order, and he said I need not trouble about it, that he was going to make it, and, of course, that was satisfactory.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, \$9,000,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by Rural Delivery Service.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Washington [Mr. Johnson] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 25, line 22, after the word "offices," by striking out "\$9,000,000" and inserting "\$9,100,000," with the proviso: "*Provided*, That out of this appropriation the Postmaster General is authorized to provide difficult experimental or emergency mail service in

mountainous States in such manner as he may deem advisable without advertising therefor."

Mr. MOON. Mr. Chairman, I reserve a point of order on that. The CHAIRMAN. The gentleman from Tennessee [Mr. Moon] reserves a point of order on the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, this amendment adds \$100,000 to the general appropriation to provide for certain emergencies for star routes, and in doing so it follows the language in this bill by which some freedom is allowed in arranging for a mail service in Alaska.

During the general debate I told of several routes which had collapsed on account of the weight of parcel-post matter sent in from the outside. Various offers have been made to the Post Office Department to revive, maintain, and serve these routes in the mountainous country. In one case I understand the Forest Service maintains, over the very road where the post-office people can not maintain a route, a pack-horse train at regular intervals, paying for the use of horses \$1 each and feed, and to the owner of the horses \$75 a month, and to the driver or leader of the pack train \$60 a month. Now, here comes a man with an offer to revive the mail service along that very route for less than the rates paid by the Forest Service. He offers to convey the mail for \$60 a month and 50 cents a day and feed per horse required. That is \$15 less than is paid for the man owning the horse, and 50 cents a day less for each horse, and he agrees to use only as many horses as the parcel-post business which has to be done may require. That must not be done by experimental arrangement.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Illinois?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MANN. Is this parcel post carried at a profit or at a loss to the Government?

Mr. JOHNSON of Washington. It is carried almost invariably at a loss.

Mr. MANN. Does the gentleman think it necessary for the Government to provide sufficient means to carry into a mountainous country like that all of the supplies that are carried under the guise of parcel post where it will cost probably twenty times as much to carry as the Government receives from it?

Mr. JOHNSON of Washington. I certainly do. If the parcel post is established on a 50-pound basis, and the bulk of it originates in a city, and the people in nonsparingly settled districts have the benefit of that service, certainly the people in the sparsely settled districts should also have the benefit of the same service.

Mr. MANN. Oh, well, the people in the nonsparingly settled districts or in the thickly settled districts are not asking for an exception to be made to the general rule.

Mr. JOHNSON of Washington. No.

Mr. MANN. Now, if the Government is carrying these parcels out there—which means practically all the supplies they get there—a man who lives upon the top of a mountain would be foolish if he were to refuse to let the Government carry his supplies up to him for one twenty-fifth of what it costs him to do it. Should he furnish the rule by which he should secure both mail service and supplies? Should he not be compelled to choose between the two?

Mr. JOHNSON of Washington. He gets no mail service of any other kind.

Mr. MANN. It is because of his attitude on the parcel post, because he wants his supplies taken up.

If you were to let this work out by contract under such circumstances, the Government will carry all supplies to all portions of the country where it is very expensive to take them. Perhaps that is what the Government will be brought to eventually, but I doubt whether you will ever get the chance to do it without letting a contract.

Mr. JOHNSON of Washington. Now, will the gentleman allow me in turn to ask him a question?

Mr. MANN. Yes.

Mr. JOHNSON of Washington. How does the Post Office Department now go about it in arranging for carrying parcel post at 2 cents a pound in addition to paying on a bid contract for carrying the rest of the mail?

Mr. MANN. I do not know that there is anything in the law that forbids it. If there is, I do not know.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. I desire two minutes more. I want to call the attention of gentlemen who come from some of the larger cities to the fact that one of the things that

breaks down the parcel post in these outlying districts is the sending out of mail-order catalogues, each one of which weighs as much as a brick, thereby inducing these people in the far-off districts to send off their money in payment for more mail packages which come back and further break down the service.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. I make the point of order, Mr. Chairman, that the gentleman is not proceeding in order. I ask unanimous consent that the gentleman may proceed in order for two minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. Fowler] asks unanimous consent that the gentleman from Washington [Mr. Johnson] may proceed for two minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Now, Mr. Chairman, I have presented the amendment to this paragraph in good faith. It carries the same verbiage as the bill carries for the benefit of Alaska, and it has reference to a district that is 20,000 square miles in extent, the remote portions of which are entitled to the maintenance of their star routes so they may receive letters and papers. The residence there did not invent the parcel post and they are not responsible for the collapse of several routes.

Mr. MOORE. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE. Is the business that goes into that section drummed up by the mail-order houses or does it originate there?

Mr. JOHNSON of Washington. It is drummed up by the mail-order houses, of course.

Mr. MOORE. If the mail-carrying business is conducted at a loss, as the gentleman indicates, two parties are getting the benefit of it—the mail-order house and the persons to whom the packages are delivered.

Mr. JOHNSON of Washington. Yes; and on top of that the Government owns half of the property and resources out there, which further deprives these people of a chance to develop their localities.

Mr. MOORE. Is there no other way by which the people can get their supplies? Are there no local stores or agencies, or do they require these mail-order supplies in order to exist?

Mr. JOHNSON of Washington. There are small but good stores away out, we will say, 30 miles from the railroad, originally doing a fair sort of business and carrying a fair stock. The parcel post has in many cases greatly reduced their business, so that a storekeeper who was doing a business of \$50,000 a year has had his business reduced to \$20,000 or even \$15,000 a year.

Mr. MOORE. Ought we not to have some consideration for that local storekeeper?

Mr. JOHNSON of Washington. I think so; and I think the United States is big enough so that its mail service ought not to be carried with the intention of endeavoring to show a profit. I believe that the far-off man on a rural route is entitled to his parcel-post service the same as he was entitled to his letters before the parcel post broke down the whole mail service on certain of these routes.

Mr. MANN. The gentleman from Washington [Mr. Johnson] referred to the carrying of mail-order catalogues, and I think it is worth while to make an observation on the subject.

Mail-order catalogues are third-class matter. They are very large and very heavy. The gentleman from Washington said that one would weigh as much as a brick. Well, I am inclined to think it would be a lightweight brick that would compare with a mail-order catalogue. These catalogues were not included in the parcel-post law. I was one of those who insisted in private that the parcel-post law should not be so drawn as to include the mail-order house catalogues. I thought the mail-order houses were getting enough benefit out of the parcel-post law without reducing the cost to them of carrying their catalogues over the country at the expense of the Post Office Department. I think it used to cost almost 40 cents in postage to carry one of these heavy catalogues of a big mail-order house as third-class matter.

Under the construction which Postmaster General Burleson made of the parcel-post law he issued an order covering third-class matter into the parcel post. What is now being done is that the mail-order houses, instead of sending their catalogues from their home city and paying even parcel-post rates on them,

which would be considerably less than the third-class rate, are sending them by freight to different parts of the country, so that they get the local parcel-post rate; and where the Government used to get in the neighborhood of 40 cents for carrying a catalogue it now carries it for, I think, 2 or 3 cents.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. JOHNSON of Washington. Is it not a fact that the great mail-order houses do the same thing in the distribution of merchandise by mail—shipping it in carload lots by freight to distributing points, like Seattle, for instance?

Mr. MANN. They did not ship it otherwise before the parcel-post law was passed. Here is a plain discrimination in the interest of the mail-order houses. Though I do not think that was the intention of the Post Office Department, that is the result, because now they send their catalogues at a cost very much below what it was before and the Government practically loses all the money which it formerly received, which was a very large amount.

Mr. SAMUEL W. SMITH. Can the gentleman give us any idea how much the Government has lost?

Mr. MANN. I have not computed it. I do not know. Of course the mail-order houses are in my town. I am not attacking them.

Mr. SAMUEL W. SMITH. I did not know but the gentleman had an idea how much the Government was losing by this.

Mr. MOON. Mr. Chairman, I make a point of order on the amendment offered by the gentleman from Washington.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment offered by the gentleman from Washington.

Mr. STEENERSON. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for one minute. Is there objection? There was no objection.

Mr. STEENERSON. Mr. Chairman, in answer to the gentleman from Illinois I wish to say that the Assistant Postmaster General in charge of this matter stated at the hearing that instead of it costing the Government more by reason of the catalogues being withdrawn from the mail and shipped by freight it was gaining by it. It was a saving to the Government, because it reduces the railway mail pay very largely, and he said the saving in that way was more than enough to make up for the loss of postage on the catalogues.

Mr. SAMUEL W. SMITH. How much did he say they were making on it?

Mr. STEENERSON. He did not go into details, but he stated that the saving in railway mail pay would more than make up for the lost postage.

Mr. MANN. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MANN. That statement is not correct as compared with the mail-order catalogues treated as third-class matter. Everyone familiar with the Post Office Department knows that the third-class matter has always more than paid its way. Taking mail-order catalogues out of third-class matter and authorizing them to be sent at parcel-post rates and sent as they are now sent very greatly reduces the income of the Government without any corresponding reduction of the expenses of the Government, and if the First Assistant Postmaster General or any other Assistant Postmaster General states to the contrary he does not know anything about it.

Mr. MOON. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The gentleman from Tennessee makes the point of order against the amendment. The Chair thinks that it provides for a service not provided for by law, and therefore the point of order is sustained.

The Clerk read as follows:

For experimental village delivery service in towns and villages having post offices of the second or third class, \$200,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee concerning the paragraph just read. Under this bill, as I understand it, because of the provision on page 16, the proviso that in the disbursement of this appropriation no employee shall be paid at a rate higher than \$600 per annum, then the man who delivers the mail in the experimental delivery service of towns and villages can not receive a compensation of more than \$600 per year, or \$50 a month.

Mr. MOON. I do not think that has any relation to the subject at all.

Mr. CULLOP. I understand that is the highest compensation that can be paid for such service.

Mr. MOON. The gentleman is speaking of the proviso with relation to compensation of clerical service in third-class offices. This is an entirely new proposition.

Mr. CULLOP. Some time ago I had established in a town in my district a village delivery system. When it came to getting some one to perform the duties of carrier to distribute the mail the department said that under the provision of the Post Office bill the man could not receive a compensation of more than \$50 a month. Certainly no one will contend that a man who can perform that service is not worth more than \$50 a month, and a compensation of that kind is wholly inadequate.

In this case I have in mind they were unable to get a man to perform the duties at that compensation. I know of no other provision controlling it than the one I have just read, because he is an employee in that office, is under the jurisdiction of that office for which he makes the delivery, and the proviso in this section applies to the third-class offices, and simply makes it impossible for him to be paid more than \$50 a month for that service. The carriers are employees of the offices in a sense, as I understand, by construction of law with reference to that matter; and if that be true that he can not receive more than \$50 a month, this provision for trial delivery in post offices of the second and third class is a failure. It could not be made workable, for the reason that the compensation is such that no man able to perform the duties will accept the position. I would like to know if there is any other provision that regulates the pay of these men engaged in delivery work.

Mr. MOON. I do not think the matter has any relation one to the other at all. This is an experimental fund, separate and distinct from all others, to provide for a service in the towns and villages for post offices of the second and third class, and \$200,000 is appropriated for that purpose. The Postmaster General can use the fund at any place he sees fit, and I think he could make compensation regardless of the section to which the gentleman refers. Whether the Postmaster General does or not, I can not inform the gentleman from Indiana, but I do know that under this provision it is the purpose of the department, as I am advised, to use the rural letter carrier for the performance of this duty—to throw these villages into the position of a rural route, and the routes will be changed in length in accordance with the services performed, so as to get a proper length of route and get the pay allowed under the statute.

Mr. CULLOP. I would like to state to the gentleman from Tennessee that if that is the proposed plan you might as well abolish the attempt to have a village delivery, for the reason that in these villages they ought to have two or three deliveries a day. Mails coming to business men require prompt delivery, and they either ought to have a reasonable number of deliveries, or they ought to have none, so that they can go to the office and get their own mail. If we were to have only one delivery by a rural carrier who makes his trip out in the morning and back in the afternoon, the people will get no benefit from it.

Mr. MOON. You can have two deliveries a day, which is sufficient in any town or village.

Mr. CULLOP. It may be and it may not be. Mails coming to and going out of town must determine the necessity of the number of deliveries as well as the times of arrival and departure of the mails.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. I ask unanimous consent that I may proceed for five minutes more.

There was no objection.

Mr. MOON. I want to state to the gentleman from Indiana that this is purely an experimental proposition. It is not sufficiently developed to determine whether the service will be justified or not. It may be and it may not. The sum of money is to be used the best way that the department can determine and get the most feasible means of carrying on this work for that class of people who do not now have the benefit of a city delivery or rural delivery. It is under the experimental proposition and definite plans can not well be established.

Mr. CULLOP. Well, certainly the gentleman from Tennessee will agree that if the pay of these men is limited to \$50 a month, or \$600 a year, you will not have any experimental service. You will not get the opportunity to try it out as is desired, for the reason that you can not get competent men to do the work for that sum of money. No one can afford to accept the position on any such meager compensation as that.

Mr. SAMUEL W. SMITH. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. SAMUEL W. SMITH. Where does the gentleman get the information that they are limited to \$600?

Mr. CULLOP. Well, from the one established in my district, where the postmaster was instructed to select a man for carrying the mail or making the delivery, and he was instructed that the department would only pay \$50 a month. The postmaster could not find a man competent for the place who would accept it for that compensation.

Mr. SAMUEL W. SMITH. Was that experimental?

Mr. CULLOP. Yes; that was to establish a village delivery system. It is perfectly needless to talk about getting men to perform such a service for \$50 a month. The laborer ought to be worthy of his hire, and he ought to have a reasonable compensation for the service that he renders.

Mr. RUBEN. If the gentleman from Indiana will pardon me, I want to say that we have an experimental service in my own town, where the carrier receives more than \$50 a month; I think he receives \$60 or \$70 a month.

Mr. CULLOP. Mr. Chairman, in the instance I speak of, one that has come under my own observation, the postmaster was instructed that he could not pay more than \$50 a month. He promptly wrote to me that he could not get a man to perform the service for that price. It was in a mining territory. There are large coal interests there. The mails are heavy and wages are high. The men employed in the mines get large pay, and consequently he could find no man suitable for this position at \$50 a month. That is not sufficient pay for this work. It ought to be a larger compensation.

Mr. GOULDEN. What is the population in this town?

Mr. CULLOP. Thirty-five hundred.

Mr. GOULDEN. And that in the town of the gentleman from Missouri is twenty-five hundred.

Mr. CULLOP. The population of the place I refer to is thirty-five hundred. It is a rapidly growing town, where there are large mining interests and great mercantile business.

Mr. MOON. Mr. Chairman, I want to say that there is no limitation fixed by law for compensation for services under this experimental proposition. The trouble with the gentleman is not with the law, but he would better wrestle with the Postmaster General and get a little more money for his man.

Mr. CULLOP. I undertake to say that under the construction of this proviso on page 15 of this bill a basis can be found to construe it to apply to this very matter. While it says that in the disbursement of this appropriation no employee shall be paid at a rate higher than \$600 per annum, that will or may be construed to apply to this very kind of service, and if it is so construed, then this man can not get a larger salary than \$50 a month for this work, which is wholly inadequate. I do not know whether the construction would actually hold good, if tested; but as long as the Post Office Department exercises its right to so construe it the other party is helpless to get away from that construction. I insist that it is wrong. If it is to be held to apply, then all can see it is an instrument of harm rather than benefit.

Mr. MOON. Mr. Chairman, I dislike to see my friend put himself in a bad attitude here. I have insisted from the beginning, as a matter of legal construction, that his proposition is different from the proposition that is before us. Here is the report of the department for village-delivery service in operation December 1, 1914. The gentleman has a town called Garrett in Indiana, has he not?

Mr. CULLOP. Yes; but it is not in my district.

Mr. MOON. They pay that carrier \$700 a year.

Mr. CULLOP. Look at the town of Jasonville, which is in my district, and see what they pay him there.

Mr. MOON. Jasonville has probably less population than the other.

Mr. CULLOP. No; Jasonville is a town of 3,500 population. Mr. MOON. Jasonville, \$600. There is another place in Indiana where they have two carriers, \$1,200.

Mr. CULLOP. The Jasonville carrier is paid at the rate of \$600, which is wholly inadequate.

Mr. MOON. But that is a matter of complaint with the department. If the gentleman wants more money, he should go down and get it. It is there.

Mr. CULLOP. But suppose they do not give it to me? The result is the public suffers. [Laughter.]

Mr. MOON. Then the gentleman is in bad luck. In every State in the Union where this service is in force there are places where the compensation is more than \$600.

Mr. SAMUEL W. SMITH. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. SAMUEL W. SMITH. Would the gentleman oppose an amendment increasing the appropriation beyond \$200,000, as provided for in the bill?

Mr. MOON. Yes. I can not agree to any increase. This is purely experimental, and I think we ought to have the final report on the experimental service and determine whether it is effectual or abandon the experimental proposition.

Mr. SAMUEL W. SMITH. Can the gentleman state when that report is expected?

Mr. MOON. I can not say; but I should say that we ought to have it before a great while.

Mr. JOHNSON of Washington. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 26, line 5, by striking out all of lines 5, 6, and 7.

Mr. JOHNSON of Washington. Mr. Chairman, the argument that we have just heard shows that this experimental rural service in villages is largely unnecessary. We decide we can not have routes in mountainous countries, so why go on with an experiment in villages at a cost of \$200,000, when there is a general demand that the United States save every penny of its income? Here is a chance to save \$200,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For rental and purchase of canceling machines and baling presses, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, \$300,000.

Mr. TUTTLE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 29, line 6, after the word "operation," by striking out "\$300,000" and inserting "\$325,000."

Mr. TUTTLE. Mr. Chairman, this is in the interest of economy, because this additional \$25,000 is required for the purchase of baling presses to supply first and second class post offices in the country. The committee favor this addition, and undoubtedly a great saving will result.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. TUTTLE. Yes.

Mr. MANN. I notice the item for baling presses. I really do not know what a baling press is in a post office. Will the gentleman explain it?

Mr. TUTTLE. It appears that the waste paper which accumulates in the post offices at the present time is either given away, burned, or otherwise not accounted for. It will bring about 12 cents a hundred pounds not baled, but if baled the price will be from 24 to 35 cents a hundred pounds. In Chicago it is as high as 45 cents a hundred. These baling presses are in use commercially by most of the large stores and industrial concerns. They may be operated by the laborers, and cost from \$15 up. Those now installed in the post offices, I think, average about \$22 apiece, but there are only 146 of them in the service.

The Fourth Assistant Postmaster General estimates that \$25,000 will equip the first and second class post offices of the country and will undoubtedly result in a saving of from \$100,000 to \$200,000.

Mr. FOSTER. Mr. Chairman, just a moment. I would like to ask the gentleman from New Jersey a question. I see this item contains a provision for buying of canceling machines. Can the gentleman inform us what the department is doing in reference to buying canceling machines or whether they are going ahead and renting machines at the present time?

Mr. TUTTLE. I regret I can not inform the gentleman. Maybe the chairman can do so.

Mr. MOON. They are buying most of them.

Mr. FOSTER. I mean the little hand machines which the Government rents for, I think, something like \$90 apiece per annum. As I understand, Congress has fixed the maximum price that can be paid for canceling machines at \$270?

Mr. MOON. That is the gentleman's own amendment.

Mr. FOSTER. That is the reason I am asking how they are getting along.

Mr. MOON. They are getting along very well. They have been renting them, but now they have reached the point where they think it is better for them to buy them.

Mr. FOSTER. So I now understand they are buying these machines instead of renting them.

Mr. MOON. Yes; they are buying them.

Mr. MADDEN. They are running them themselves, and they are getting along much better.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to. The Clerk read as follows:

That if the revenues of the Post Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post Office Department for the year ending June 30, 1915, and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General.

Mr. MANN. Mr. Chairman, I would suggest to the gentleman from Tennessee that he has the wrong fiscal year named in this paragraph, which provides for paying out of the revenues a deficiency for the fiscal year ending June 30, 1915. It should be 1916.

Mr. MOON. Mr. Chairman, I am obliged to the gentleman. That is a mistake in printing. I move to amend by inserting "16" instead of "15."

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

On page 30, line 18, strike out "15" and insert "16."

The question was taken, and the amendment was agreed to. The Clerk read as follows:

SEC. 3. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the transaction of such postal business as may be required for the convenience of the public.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the meaning of this section, may I ask, in reference to the establishment of branch offices, nonaccounting offices, and so forth? Also, what is the meaning in connection with the next section? Some one stated on the floor here the other day that under this section 3 it would be possible for the Postmaster General to abolish all offices in a county except one post office, and have the others as branch offices, which might be quite an economy.

Mr. MADDEN. Mr. Chairman, I can state to my colleague in answer to the question that from the reply of the Assistant Postmaster General these nonaccounting branch offices were just contract stations.

Mr. MANN. But contract stations are already authorized and appropriated for, and this can not apply to contract stations, because they are authorized under existing law, and this bill carries an appropriation for that purpose.

Mr. MADDEN. That is what he said these were.

Mr. MANN. Then this has no place. I suppose the intention originally of this was to authorize in a city, say, Chicago, Boston, New York, or St. Louis, the abolishment of a post office that lies right adjacent to the city in order to establish a branch office there, as I think we did specifically at St. Louis and at Boston.

Mr. MADDEN. That is what the Postmaster General stated.

Mr. MANN. My colleague does not mean to say that there is not law now authorizing branch offices?

Mr. MADDEN. There is a law.

Mr. MANN. I mean the contract stations which we have had for many years and for which we carry an appropriation of \$1,200,000 in this bill.

Mr. MADDEN. Well, I think that there is a law which authorizes that, but that was the statement made by the Postmaster General, with the request that he be permitted to enter into a contract for four years instead of one year. The committee provided for two years, and I think it is provided for in a place earlier in the bill, where not only appropriation is made, but a provision is made that the Postmaster General may be authorized to contract for two years, and this provision of the bill is a duplication of the other.

Mr. MANN. Of course there is no objection to the provision whatever, although I would not want to see incorporated in a post-office bill a provision which authorizes the abolishment of all the post offices in a county except one without our knowing what was being done.

Mr. CULLOP. I would like to ask the gentleman from Illinois a question with reference to his construction of it. If I understood the gentleman correctly, he construed this provision to mean that the post office of a county seat might be a central office for a number of offices radiating around it, and then such offices could be abolished and made substations to it.

Mr. MANN. I did not construe the section at all. I was trying to get a construction of the section. I said some one said on the floor the other day that this provision would authorize that. I was trying to ascertain if that was the purpose.

Mr. CULLOP. And then centralize the operation more than it is now if such could be the construction of this provision.

Does anybody know just exactly what this provision is intended to do and the purpose of it?

Mr. MANN. I plead not guilty myself.

Mr. CULLOP. I would like to find out from some one, if possible, its real purpose.

Mr. MOON. There are certain legal restrictions imposed on the establishment of stations and branch offices and nonaccounting offices, if there is any authority now expressly for nonaccounting offices, and these restrictions the Post Office Department would like to remove as far as possible and give more latitude to the Postmaster General in the establishment of branch offices and nonaccounting offices and stations. In other words, to be clear about the matter, it is to give a freer hand to the Postmaster General in connection with all of this work.

Mr. CULLOP. I would like to ask the chairman a question if he will permit me. Is it intended that this shall be construed so as to do away with independent offices and make them substations to some central office in a given territory or locality?

Mr. MOON. That power exists now. It is done every day or two.

Mr. CULLOP. That is done as to very small offices.

Mr. MOON. It is done in big ones, too.

Mr. CULLOP. Is that the purpose of this provision?

Mr. MOON. No; that is not the purpose of that particularly, because that power exists now, but there are restrictions which they insist are placed, that I do not now recall, upon the exercise of this power in the establishment and maintenance of a substation or a station, and I believe there is no authority now for the nonaccounting station, and it is this power that the administration asks for.

Mr. CULLOP. What do you mean by nonaccounting offices?

Mr. MOON. That word is subject to one or more constructions, perhaps. Generally what I understand by a nonaccounting office is where a fourth-class office buys all of its supplies, pays for them, or gives bond for them, and they take the receipts of the office, and they do not send in its monthly accounts or its quarterly accounts or annual accounts.

Mr. MANN. Are not now the nonaccounting offices those that do not account directly to the Post Office Department, but only to the postmaster of the town in which they are located?

Mr. MOON. They do account and they must account for the supplies they get.

Mr. MANN. They account to the postmaster. He makes the account to the Post Office Department. They do not account directly to the Post Office Department.

Mr. MOON. They do not account to the Postmaster General, you mean? That is true.

Mr. MANN. I think that is the distinction.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. That hereafter the Postmaster General may enter into contracts for the conduct of such stations for a term not exceeding four years.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Section 4 reads:

That hereafter the Postmaster General may enter into contracts for the conduct of such stations for a term not exceeding four years.

I assume the words "such stations" were intended to apply to the preceding section; but if so, is not there a conflict, and is there not a conflict, anyhow? On the bottom of page 15 you provide that the postmaster may enter into a contract for a term of two years for a contract station. Now, you provide that he may enter into a contract for four years for these stations. And I think the stations are the same stations.

Mr. MOON. I will say to the gentleman that I have a memorandum on my desk here, which I made, to the effect that if this section was passed, which is on page 15, section 4 would be unnecessary.

Mr. MANN. I think it is unnecessary.

Mr. MOON. I move to strike out the section.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, strike out all of section 4.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That on and after July 1, 1915, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to \$1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as \$1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall,

in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

Mr. MANN. The word "postmaster," in line 23, page 31, should be changed to "postmaster." It is a typographical error.

The CHAIRMAN. Without objection, the amendment will be agreed to.

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. That hereafter the Postmaster General may transfer, under such regulations as he may prescribe, clerks from post offices of the first and second classes to the Railway Mail Service at salaries not exceeding the salary which the clerks are receiving in the post offices at the time of such transfer, with the consent of the clerk.

Mr. REILLY of Connecticut. Mr. Chairman, I beg leave to offer an amendment, with the consent of the committee.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 34, after the word "clerks," in line 5, insert the words "or carriers"; on the same page, in line 8, after the word "clerks," insert the words "or carriers"; and on the same page, in line 9, after the word "clerk," insert the words "or carrier."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from the 30th day of June, 1915, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

Mr. MOON. Mr. Chairman, page 34, line 12, I move to strike out the words "30th day of June" and insert in lieu thereof "1st day of July."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 12, strike out the words "30th day of June" and insert in lieu thereof "1st day of July."

Mr. MANN. Is the gentleman sure about that amendment?

Mr. MOON. That amendment is recommended by the department, because the fiscal year begins then.

Mr. MANN. I know. This would be "from." "From" would not include the first day. You had better say "from and after the 30th day of June."

Mr. MOON. That is all right. I do not object to that amendment, inserting "from and after the 30th day of June." I ask unanimous consent to modify my amendment accordingly.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 34, line 12, after the word "from," insert the words "and after."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition thereto he may allow not exceeding \$1 as an initial rate and the same as a terminal rate for each one-way trip of a 30-foot apartment car and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 36, line 16, after the word "car," insert the following: "Provided, That the compensation now paid the railway companies operating lines with a total mileage of less than 90 miles for each one-way trip of a 15-foot apartment car shall not be less than they are now receiving."

Mr. MOON. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Tennessee (Mr. Moon) reserves a point of order on the amendment.

Mr. YOUNG of North Dakota. Mr. Chairman, my colleague from North Dakota [Mr. HELGESEN] is not on the floor at this moment. If here, I think he would like to present some such amendment as this. I have a letter here from the president of the Farmer's Grain & Shipping Co., which is a road owned by farmers in our State, and something like 80 miles long. He calls attention to the fact that if this bill is passed in the form in which it is now the compensation which they will receive will be only \$7.76 for each trip.

I would like to have this letter read. It is written by a man by the name of James M. Kelly, who is, as I say, the president of this farmer's company.

Mr. TUTTLE. Does that show the amount which they are receiving under the present act?

Mr. YOUNG of North Dakota. Yes; it does. It perhaps explains the situation better than I can, as I had not expected to present this matter. I regret that I have not had the opportunity to collect any information to speak of upon this subject. I ask, Mr. Chairman, that the letter be read.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

DEVILS LAKE, N. DAK., December 26, 1914.

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to H. R. 19906, by MOON, of Tennessee, I understand this bill has been added as a rider to the Post Office appropriation bill and has a good chance of passing the House, and I would like to call your attention to its effect on the revenues of a small road such as ours.

Since July 1, 1914, when our compensation for carrying the mails was increased on account of the increased weight of the mails which it was found we had been carrying, we have been receiving \$13.46 per day for carrying and delivering the mails along our line, furnishing a 15-foot apartment in a car for that purpose, which you will acknowledge is little enough compensation for hauling, heating, lighting, and the upkeep of a car, aside from the expense of delivering the mails at each of the post offices from the train. I don't think it would be possible for the Government to get this service performed by team for less than 25 cents per mile, which, in the case of our line, would amount to \$33 per day as against the \$13.46 we are receiving. And still the Moon bill proposes to pay us at the rate of 5½ cents per mile, which, with the additional weight compensation, would reduce our pay to \$7.76 per day. And in addition it proposes to penalize us at the rate of \$5,000 per day if we refuse to perform the service.

Up till now we could refuse to perform the service if the pay did not suit us, but on account of the great convenience it has been to our patrons to have the mail delivered promptly we have continued to give the service at considerable loss. But now to have our compensation, small as it was, cut almost in two, and on top of that to force us to do it whether we like it or not, is certainly reverting to the methods in vogue in the Dark Ages, and I hope that you will oppose this bill with your vote and influence. It is to be regretted that the Postmaster General seems inclined to follow the lead of his predecessor in trying to make a showing for his department and at the expense of railroads, and I believe that such a policy in connection with the past attitude of the Interstate Commerce Commission toward the railroads has more to do with the present depression in business than the change in our tariff laws.

I am, yours, sincerely,

JOS. M. KELLY.

Mr. YOUNG of North Dakota. Mr. Chairman, I hope that the chairman of the committee will not oppose this amendment. It may require to be changed somewhat in form. So far as I am personally concerned, I would be satisfied to have this matter left in the discretion of the Postmaster General.

It seems as though small roads of this kind, owned by farmers and others of limited means, where it was difficult for them to finance the company in the first instance and rather difficult to manage it with a minimum of expense, there should be some provision which would at least permit the Postmaster General to pay such roads at least the amounts that are now being paid to them under existing law.

Mr. TUTTLE. Mr. Chairman, I hope that no further amendments will be made to this particular section of the bill.

This section, as the House knows, constitutes the bill that was reported by the joint commission on compensation to the railroads for the transportation of mail. It has been amended by the House committee by giving additional discretion to the Postmaster General and in reducing the rates favored by the joint commission.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. TUTTLE. Certainly.

Mr. YOUNG of North Dakota. If the report of that commission has been amended by the committee already in other respects, why not amend it also in this respect, to help out the farmers who own this road?

Mr. TUTTLE. Well, certainly any amendment of that kind should have a great deal of consideration before it is incorporated in this legislation. There will undoubtedly be cases of injustice, as there always have been; but I want to say to the gentlemen of the committee that this plan of paying the railroads is in the interest of the short-line railroads, of which the gentleman speaks. It remedies many kinds of injustice, and the commission, in framing the schedules, had them in mind and provided liberally for them. Undoubtedly there are railroads that have been greatly underpaid. Railroads are built under such varying conditions in different parts of the country, where distances and the character of business are so diverse that it would be impossible to treat each individual line with absolute fairness and justice. But this bill, I think, goes as far as possible at present in the interest of short-line railroads.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman again yield?

Mr. TUTTLE. Certainly.

Mr. YOUNG of North Dakota. In this particular instance there is no request for an increase; but the idea of these men is that they should be permitted to keep the compensation they are now receiving.

Mr. TUTTLE. Well, under any rearrangement that might be made the pay of some railroads will be reduced, as in the case here, and some of them will receive increased compensation, and, in the main, roads of this class are going to get the benefit of this legislation. The gentleman's amendment might possibly be advisable and justifiable, but it certainly should be carefully considered by the committee and by the House before it is incorporated in this bill.

Mr. YOUNG of North Dakota. One other question. Would not the gentleman be willing to leave this matter of compensation to small roads of that kind in the discretion of the Postmaster General? There can not be very many of them. Limited—

Mr. TUTTLE. The compensation is now in his discretion. Limited, however, by these maximum rates.

Mr. YOUNG of North Dakota. Limited to the amount now paid.

Mr. TUTTLE. I would not be willing to accept the amendment. My personal opinion is that Congress ought to fix the rates and not leave them to the discretion of the Postmaster General at all. My colleagues on the committee and my colleagues in this House believed otherwise, and have left it discretionary with the Postmaster General to fix the rates which the railroads should receive for their services, provided they do not exceed those named in this section.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. Moon] make a point of order on the amendment?

Mr. MOON. No; I will withdraw the point of order and let the Members vote upon it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Dakota [Mr. Young].

Mr. LEWIS of Maryland. Mr. Chairman, this is one of the subjects that have received, through the instrumentalities of Congress, a degree of investigation commensurate with its extreme complexity.

It must be manifest to the House that in dealing with 2,000 railroad corporations, each one presenting a species of facts of its own, it would be utterly impracticable to apply a single standard of compensation to each one of those roads that would work out exact justice to each one of them, each railway having a different scale of operating expenses and capital charges. The commission, therefore, which reported on this matter, having tried that view, after a year's study, had to abandon it. The commission abandoned the idea of making compensation to each railway according to its particular circumstances and adopted a uniform standard of compensation for car-mile movement throughout our country.

If an exception is to be introduced, as proposed by the gentleman from North Dakota [Mr. Young], it would necessitate a prolonged study, to begin with, of the facts appropriate to that exception. It would be utterly beyond the power of even the commission, on the facts presented by this letter of protest, to reach any conclusion as to the righteousness of the claim set up, and of course quite beyond the faculties of the House, sitting here as a general body.

When the president of a road declares that that road is being underpaid for a service, it does not follow by any means that that is a fact. I do not mean by that to suggest that the president of the road is insincere or untrustworthy, but I mean, sir, to suggest a much broader difficulty, which is the absence of any unit by which you can determine whether any particular rate on any railway is just or otherwise, because you can not allocate the costs of any particular service with enough precision to determine whether the rate fixed is too high or too low.

Mr. Chairman, I know the conviction is widespread among railway men that the passenger service—that is, the 25 cents per car mile—does not yield its full share of railway revenue; and I do not question their sincerity. It is unfortunate that railway expenses as between the freight and passenger services do not, as railway men themselves admit, permit of such segregation as to determine whether they are right or wrong. All efforts to so segregate have been abandoned by railway economists. It may be interesting, however, to see how the American case compares with other countries. In the United States the railways secure an average receipt of \$1.91 for each ton of freight carried and the average journey of the ton is 257 miles. The average receipt from the passenger is 66 cents and the average distance traveled is 33 miles. Thus the ratio of the ton

to the passenger charge is three (2.90) to one. I now insert a table giving the like ratios for other countries:

Receipts from freight and passenger service of several countries compared.

Country	Receipt per ton, freight.	Receipt per passenger.	Ratio, ton to passenger charge.
Argentina.....	\$2.05	\$0.467	4.4 to 1
Austria.....	.83	.182	4.6 to 1
Belgium.....	.53	.105	5.0 to 1
Denmark.....	1.03	.24	4.3 to 1
France.....	1.08	.225	4.8 to 1
Germany.....	.79	.13	6.0 to 1
Norway.....	1.00	.225	4.4 to 1
Sweden.....	.63	.209	3.0 to 1
Switzerland.....	1.24	.164	7.0 to 1
Average.....			4.8 to 1
United States.....	1.91	.66	2.9 to 1

Per capita tonnage and passengers and average distance traveled by railroad in several countries.

Country.	Tons per capita.	Passengers per capita.	Freight journey.	Passenger journey.
			Miles.	Miles.
Argentina.....	5.3	8.3	101	20
Austria.....	6.4	9.2	60	25
Belgium.....	10.4	24	49	12
Denmark.....	2	7.7	53	21
France.....	3.1	12	81	24
Germany.....	8.7	20	71	15
Norway.....	2.5	6	35	17
Sweden.....	6.7	9.4	44	12
Switzerland.....	4.7	28	45	13
United States.....	10.8	10.5	257	33

Thus in other countries the tendency is to pay about five (4.8) times as much to move a ton of freight as to move a passenger. Here the ton tax is less than three (2.90) times the passenger tax per journey. It appears, too, that while we rank first in the ton traffic per capita, we rank but fifth in the passenger traffic; and this is, I believe, a consequence mainly of the difference in the freight and passenger tariffs, whether this disparity be justified or not. If now the transportation tariffs possess the ethics and the incidence of taxation as practically all railway economists have come to agree, would it not seem that any augmentation of such tariffs should fall on the freight rather than the passenger movement? In other words, does not the contention that the passenger traffic is relatively underpaid fall to the ground?

Now, this commission has approached this subject with the aid of the best talent of the United States in transportation matters, with the aid of railroads, with the aid of the postal authorities who have been studying it for a long time, and with the aid as well of the experts of the Interstate Commerce Commission.

Upon what principle have they proceeded? They found, to begin with, that the mails usually move in passenger cars. Very well. What did the railroads get on an average for the movement of a passenger car, assumed to be 60 feet long? They were able to find the average revenue from express, passengers, mail, and all the passenger traffic in terms of 60-foot car miles. It developed that this average revenue was in the neighborhood of 25 cents (24.69) per car-mile. Having reached that conclusion they argued naturally that since 25 cents a car-mile represented the product of rates that had been fixed by the railroads themselves, it was a commercial basis upon which the commission might legitimately proceed to consider what a postal car mile should pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Maryland may proceed for five minutes. Is there objection?

Mr. YOUNG of North Dakota. Reserving the right to object, if the purpose of the gentleman is to vote down the amendment I had rather it be done right away than to wait for a long, labored explanation.

The CHAIRMAN. Does the gentleman object?

Mr. YOUNG of North Dakota. I will not object.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes.

Mr. LEWIS of Maryland. Then they said if 25 cents is the average product from all this service upon rates for the most part as determined by the railways themselves, should a postal car pay as much, more, or somewhat less? After an investigation the House Committee on the Post Office and Post Roads concluded that, for various reasons, the Postal Service should pay something less than this average return, and they fixed upon rules of compensation that mean about 8 per cent less than this average return, or about 23 (22.73) cents per car-mile. It is manifest, of course, to anyone with average railway experience that there are some items of expense which attend the movement of the passenger that do not attend the movement of the mails. There is an immense body of accounting that the railroads have to undertake with regard to the passengers that has not to be undertaken with regard to the mails. These are not all, but are suggestive reasons why a rate of compensation less than the average for the passenger traffic has been adopted in this bill.

Mr. TUTTLE. May I interrupt right there?

Mr. LEWIS of Maryland. Yes.

Mr. TUTTLE. I should like to ask the gentleman from Maryland if at this point he will include those items which would make that 8 per cent difference in favor of the mail car?

Mr. LEWIS of Maryland. I shall try to do so. There are the following items to be considered, namely:

First. Passenger-travel accounting.

Second. Passenger advertising, stationery, printing, and so forth.

Third. Maintenance of passenger ticket offices down town, and so forth.

Fourth. Expensive passenger terminals and maintenance.

Now, no one can say that these equal 8 per cent difference in cost of service. But let us see just how matters stand in regard to the rates proposed. The following table gives average rates for a 60-foot passenger car per mile of travel:

	Cents.
(1) Average railway revenue per passenger, mail, and express car.....	24-69
(2) Average revenue for express car (1910).....	22-80
(3) Average rate for mail car under Moon bill.....	22-73
(4) Average rate recommended by joint commission.....	24-69

It should be noted that the average for the express car is based on the experience of 1910. Since then these rates have been reduced 15 per cent, and the small parcels, yielding the highest revenue to the railways according to weight, have gone to the parcel post. Both circumstances probably mean an average reduction in express-car revenue to the railways of at least 20 per cent, and this would mean that the present express car is yielding only 18.24 cents per car-mile to the railways, or but 80 per cent of the mail rate proposed in this bill.

Now we come to the case of the shorter roads and the rates accorded them by this bill. They have found, for example, that terminal expense means more to a railway on a 40-mile haul than it means on a 400-mile haul, because the terminal expense will remain substantially the same whether the haul be short or long. Compensations to cover that expense are provided in this bill, because standard compensations for terminal service, independent of the distance traveled, are given by the bill.

This will be made clear from the following table of rates carried in the Moon bill:

Round trip.	Terminal rate, round trip.	Mile rate.
		Cents.
60-foot car.....	\$8	21
60-foot car storage.....	8	20
30-foot car.....	4	10.5
15-foot car.....	2	5.5

TOTAL RATE PER MILE.

	For 40-mile haul.	100-mile haul.	400-mile haul.
	Cents.	Cents.	Cents.
60-foot car.....	31	25	22
30-foot car.....	15.5	12.5	11
15-foot car.....	8	6.5	5.75

Thus the small roads get much the larger rate. But a substantial discrimination is made in favor of the smaller roads in another way. In the many cases where a 15-foot apartment car is unjustified by the traffic, and where railway post-office car service is not maintained, the mails are to be shipped in

what are called "closed pouches," and for this service the compensation is to be based on the weight of the pouches and the space standard is set aside.

The rates for such service are to be as follows:

	Rate.	Per ton-mile.
Up to 200 pounds.....	\$42.75	\$1.17
500 pounds.....	64.12	.70
1,000 pounds.....	85.50	.47
Railway rate for excess baggage.....		.10

These rates can be said to be the highest—many times the highest—paid for any species of rail transportation anywhere in the world, and their payment represents a distinct purpose to be helpful to the small roads. If the Government were to apply commercial standards to this "closed-pouch" traffic, the rates would be much lower. For comparison, let us take a 50-mile railway as representing the small road. What rates does it ask of its patrons for carrying baggage? Well, when it carries baggage beyond the limit allowed with the ticket, its rate is one-sixth the first-class fare per 100 pounds. At 3 cents a mile for the ticket, one-sixth amounts to just 10 cents per ton-mile, and the services performed for the closed pouch and the baggage are practically identical. Yet this bill, in its purpose to be generous to the small roads—and most of them are owned by the big roads—provides a compensation from 5 to 12 times as great as such railways are demanding from their commercial shippers. If the Post Office Department should ship this "closed-pouch" matter by express on the same car, it would save probably 75 per cent or more, and yet the railway would receive but half the express rate from the express company.

In my judgment, the commission has reached a sane and just conclusion with regard to this subject. A conclusion that will satisfy and please all the parties? No; certainly not. The railway managers of this country will, of course, remain loyal to their functions, and loyalty to their functions at this time represents a demand for more revenue. It is their business to get more revenue in whatever direction they can. Meanwhile public servants must be loyal to their function as well, and one of the considerations in that connection is this: Where we are fully paying the railroads to-day for carrying parcel-post matter—that is, where the weighings have taken place since the parcel post began to move—we are paying them about twice what the express companies pay for moving the same quantities the same distance. Now, justice is not only an absolute but it is a relative matter as well in transportation matters. I am sure no man would argue, whatever the intrinsic merit of the rate itself, that the Post Office should pay more to the railways for carrying its packages than the express company, its competitor. And yet, under the existing law, the Postmaster General is said to be paying an average of 10 cents a ton-mile to the railways, the old mail rates, while the express companies are paying but 5 cents a ton-mile or less. On 20-pound parcels moving from New York to the following points the Post Office has to pay more than twice what the express companies pay:

Railway pay on 20-pound parcel.

New York to—	Distance.	Express company pays to railway.	Post office pays (average) to railway.
	Miles.		
Pittsburgh, Pa.....	444	\$0.23	\$0.44
Chicago, Ill.....	912	.32	.90
Lincoln, Nebr.....	1,447	.47	1.44
Pueblo, Colo.....	2,005	.66	2.00
Stockton, Utah.....	2,483	.88	2.40
Reno, Nev.....	2,947	1.03	2.90
San Francisco, Cal.....	3,191	1.12	3.15

Of course this means that the Post Office Department can not do business at all on these distances, and yet it has to take the unprofitable business—the rural routes, for example. It is true that no one is to blame for this manifest incongruity in express and parcel post railway pay. It represents simply the accidents of express company and postal evolution or history. This bill corrects all that and puts the postal establishment where it surely has a right to be—on terms of substantial equality with the express companies of the country upon the rail lines of the United States.

I apologize for having entered upon this subject at all. It is so long and complex that it would take hours to cover even the characterizing conditions it presents, but I think at least this much ought to be said.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment of the gentleman from North Dakota [Mr. Young].

The question being taken, on a division (demanded by Mr. Young of North Dakota), there were—ayes 12, noes 29.

Accordingly the amendment was rejected.

The Clerk read as follows:

For the purpose of ascertaining the average weight of closed-pouch mails per day upon which to adjust compensation, the Postmaster General is authorized and directed to have such mails carried on the several routes weighed by the employees of the Post Office Department for such a number of successive days, not less than 35, at such times after July 1, 1915, as he may direct, and not less frequently than once in every year thereafter, the result to be stated and certified in such form and manner as he may direct. In computing the average weight of mails per day carried on a railroad route, the whole number of days included in the weighing period shall be used as a divisor. The expense of taking the weights of mails and the compensation to tabulators and clerks employed in connection with the weighings, for assistance in completing computations, and of rentals, if necessary, in Washington, D. C., shall be paid out of the appropriation for inland transportation by railroad routes.

Mr. MOON. Mr. Chairman, in line 7, on page 39, I move to strike out the word "July" and insert the word "January."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 39, line 7, strike out the word "July" and insert in lieu thereof the word "January."

The amendment was agreed to.

Mr. MANN. The gentleman does not want that to read January 1, 1915, does he?

Mr. MOON. Yes.

Mr. MANN. This bill will not be passed until long after that.

Mr. MOON. I know; but it will commence when it does pass. Here is the suggestion of the department:

Referring to the paragraph of section 11 found at the top of page 39 of the bill (H. R. 19906) making appropriations for the service of the Post Office Department, etc., I have to suggest the advisability of changing the date named in line 7—July 1—to January 1. This will permit the weighing of closed pouch mails before July 1, 1915, and the fixing of the pay for such mails to begin on that date. Otherwise, if the plan becomes effective July 1 and the department has no authority to weigh the mails prior to that date, such adjustments will be greatly delayed after the service becomes effective. This was explained by the Second Assistant Postmaster General at the hearings.

Mr. MANN. I see the point; but why not say "after the passage of this act," instead of saying that they can do certain things after a certain date?

Mr. MOON. I am always willing, if I can get what I want, to get it in any way necessary. I have no objection to the amendment in that shape.

Mr. MANN. Then, Mr. Chairman, I ask unanimous consent to strike out, in line 7, the words "July 1, 1915," and insert "the passage of this act."

Mr. MOON. I have no objection to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 7, strike out the words "July 1, 1915," and insert in lieu thereof the words "the passage of this act."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to agree to that amendment. Is there objection? There was no objection.

The Clerk read as follows:

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this act, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee whether he desires to give the Postmaster General the authority that is given him in this paragraph. This permits the Postmaster General to employ at Washington in the departmental service employees who will be paid out of the appropriation for the transportation of the mail.

Mr. MOON. What is the objection to that?

Mr. FITZGERALD. We keep the departmental service separate from the general Postal Service. I did not know whether it was the intention of the gentleman, or the wish of the gentleman, to have that paid all the time out of that appropriation, or whether it was to take care of the immediate situation. I wish to suggest, whatever else be done, that the word "act" in line 1, as well as lines 4 and 16, shall be changed to "section."

Mr. MOON. I think the language had better remain as it is, but I think the word "act" should be stricken out wherever it occurs and the word "section" inserted.

Mr. FITZGERALD. Then, Mr. Chairman, I ask unanimous consent that the word "act" in line 1, line 4, and line 16 be changed to the word "section."

Mr. MOON. That is satisfactory to me, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, lines 1, 4, and 16, strike out the word "act" and insert the word "section."

The CHAIRMAN. The gentleman from New York asks unanimous consent that the amendment be agreed to.

There was no objection.

Mr. MANN. Mr. Chairman, I notice on page 42, at the bottom of the page, a provision that—

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

I do not understand under what authority of the Constitution or otherwise we can fine a railroad such sum as the Postmaster General may deem proper. Of course, if we have a contract with the railroad we can provide a penalty to be taken out of the money due the railroad company, but when you undertake to say that we can take away the power of the courts and let the Postmaster General determine how much a railroad company shall be fined, it seems to be going beyond the constitutional power.

Mr. MOON. Technically the gentleman from Illinois is correct, we have no power to do anything of that sort. But the word "fine" has a fixed meaning in postal parlance; it means a reduction from the compensation due the company.

Mr. MANN. That is what I supposed was intended.

Mr. MOON. And the word is used in that sense.

Mr. MANN. I wondered whether it was not practicable for gentlemen to think it over and change the language for the better.

Mr. MOON. It might be well, but that is the intention and the meaning of it.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 44, line 19, after the word "routes," insert the following: "And hereafter detailed estimates shall be submitted for such service in the annual Book of Estimates."

Mr. FITZGERALD. Mr. Chairman, I appreciate that the gentleman provides that this legislation shall go into effect on the passage of this act, making provision for railroad transportation, so that there shall be no embarrassment to the Post Office Department. It seems to me that we should keep separate the departmental and the postal expenditures.

Mr. MOON. I think that is very wise.

Mr. FITZGERALD. This merely requires them, instead of having a lump-sum appropriation, to submit detailed estimates.

Mr. MOON. That is very proper.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. Is it the object of that section to permit the Postmaster General to provide for the carrying of magazines and all other mail matter except letters, by express at express rates?

Mr. MOON. To which line does the gentleman refer?

Mr. COOPER. Beginning on line 20 on page 44.

Mr. LEWIS of Maryland. Mr. Chairman, if I may volunteer to answer the gentleman's question, I have definite views as to what is intended, though I do not know that they accord with those of the gentleman from Tennessee.

Mr. COOPER. Then I will ask the gentleman from Maryland to answer the question.

Mr. LEWIS of Maryland. The circumstances to which I referred a moment ago, namely, that the express companies are paying a very much lower rate to the railroads than we are paying for the carriage of parcels. The Postmaster General, under this clause, would have the right to go to the Interstate Commerce Commission and get what would be necessary to him as a shipper, namely, an equal rate.

Mr. COOPER. Is this an attempt to change in this way the postage rates on magazines and newspapers?

Mr. LEWIS of Maryland. No; not at all.

Mr. COOPER. Will it result in that?

Mr. MOON. No; it can not possibly.

Mr. COOPER. What other mail will be carried at express rates?

Mr. MOON. That does not change the postage. It is the contract price for carrying.

Mr. COOPER. I understand, but what I am getting at is this: Is this an attempt to have the magazines carried by express rather than go as they now go, by the pound rate?

Mr. MOON. No; I do not think so.

Mr. COOPER. What mail matter except first class, letters, and so forth, will be carried by express?

Mr. MOON. It does not say by express. It provides that the Postmaster General may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those ascertained and reported to him, and that it shall be the duty of the railroad companies to carry such mail matter at such rates as are fixed by the Postmaster General.

Mr. COOPER. Exactly. For a number of years there have been efforts made to have the postage on magazines and newspapers increased. All sorts of representations have been made, some of them grossly exaggerated and some of them, in my judgment, deliberately false, as to what it costs to carry this under the present system, as if it were the prime object of the Postal Service to make money.

Mr. MOON. I think the gentleman's suggestion would more properly apply to the language on page 45.

Mr. COOPER. I mean all of the language. This authorizes the Postmaster General to contract with the railroads for the carrying of newspapers and magazines, and so forth, by express.

Mr. MOON. I see what the gentleman is getting at now. The Government is now engaged in the carrying of magazines, which is second-class matter, by fast freight rather than by express or by fast mail. In two divisions of the country this is done. Those magazines, as the gentleman knows, are printed some two weeks before the date of delivery, bearing a date two weeks ahead. The Government performs its contract by delivering the magazines at the time it agrees to deliver them, but instead of carrying them by express it carries them by fast freight.

Mr. COOPER. How do those rates compare with express rates?

Mr. MOON. In two sections, I believe the second and third—the country being divided into four sections—my recollection is, offhand, that the Government has saved in one section \$1,280,000, and in the other one million four hundred thousand and odd dollars by adopting this fast-freight plan rather than carrying the magazines as heretofore by fast mail. It delivers the magazines at the time it contracts to do it, and there is that much saving. The purpose under that section is to put the whole country under that blue-tag proposition. The gentleman will find, if not there, further along in this section, provision for the repeal of the section of the law that prohibited the extension of the blue-tag proposition to the other two sections of the country.

Mr. COOPER. Will the gentleman tell me what is the difference between the average rate by express for carrying this matter and by fast freight?

Mr. MOON. No; I could not, offhand, tell the gentleman.

Mr. COOPER. Could the gentleman from Maryland [Mr. Lewis]?

Mr. LEWIS of Maryland. The only light I can offer upon it is that there is a provision in all express contracts with the railroads that the express rates shall never be less than 150 per cent of the freight rate. It might be approximately correct to assume fast-freight rates were one-half of the express rates.

Mr. COOPER. Yes; but you authorize them to make contracts at the express rate—

Mr. LEWIS of Maryland. No.

Mr. COOPER. The bill says "It shall be the duty of the railroad companies to carry such mail matter at such rate fixed by the Postmaster General."

Mr. MADDEN. Here is what it authorizes: It authorizes the Postmaster General to ascertain from the Interstate Commerce Commission what the express companies pay the railroad companies, and if he finds the express companies are paying the railroad companies less than the Government is paying them, then he has the right to demand the same rate that the express companies are paying the railroads.

Mr. COOPER. But my question was this: At present they are carried by fast freight, and if this becomes a law it would authorize the Postmaster General to carry these same articles—

magazines, papers, and so forth—by express, and to pay the same rate as the express rate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER. Mr. Chairman, I ask for three minutes more, just to have these questions answered.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. LEWIS of Maryland. Let me explain this. Suppose we are paying at the rate of 23 cents per car mile?

Mr. COOPER. By fast freight?

Mr. LEWIS of Maryland. No; by mail car. We find the express companies are paying only 18 cents per car mile, and we find that fact by going to the Interstate Commerce Commission. Then we have the right to demand of the railroads that they will carry everything except first class, which is the kind of stuff carried by express companies, at the rate of 18 cents per car mile. The railroad can protect itself by raising its rate to the express companies. If it will not do that, it ought to protect the Government by giving it equal rates as a shipper as anybody else. The Government is entitled to equal rates as a shipper. That means a rate as low as any other kind of shipper of the same matter, and the object of the clause is to secure to the Government as a shipper an equality with every other kind of shipper.

Mr. COOPER. Well, Mr. Chairman, that does not meet my question as I want it met. At present the Government sends magazines by fast freight, and the gentleman says that this rate by fast freight is considerably less than express rates. Does he not?

Mr. LEWIS of Maryland. I assume it will be more than one-half.

Mr. COOPER. More than one-half express rates, but this section authorizes the Postmaster General to inquire of the railroad companies what the express companies receive, and then the last two lines of the section provide that "it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General." That will allow the Postmaster General to contract for the carriage of mail that now goes by fast freight at the express rate, which the gentleman himself says is much higher than the fast-freight rate.

Mr. LEWIS of Maryland. Surely.

Mr. COOPER. Why do you do that?

Mr. LEWIS of Maryland. The gentleman makes the error, I believe, if he will pardon me, in thinking the bulk of the traffic consists of magazines, but the bulk of the traffic does not consist of magazines. There is an immense amount of traffic which can not go by fast freight, because that method would not suit. It is too slow, and the stuff has to go by passenger car.

Mr. COOPER. It authorizes the Postmaster General to contract at express rates for carrying magazines—

Mr. LEWIS of Maryland. As Judge Moon states, some magazines now go by passenger train, and it leaves the Postmaster General to say whether the fast freight will reach some of these cases.

Mr. COOPER. In other words, it would leave to the discretion of an executive officer the right to contract at double the rates for what he now pays for satisfactory service, and at a less rate.

Mr. LEWIS of Maryland. Let me say to the gentleman that the trouble with the Post Office Department to-day is, if there is any, and for a few years past, that the Postmaster General has been treated as if he were a thief, that he has not been allowed that liberty of action, that power of initiative and direction given every president of every industrial corporation in this country; but 400 of us up here on the hill, with only a momentary idea of what is best, tell him what to do.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. COOPER. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for three minutes more. Is there objection? There was no objection.

Mr. MADDEN. Mr. Chairman—

Mr. COOPER. I yield to the gentleman from Illinois [Mr. Madden], if he wants to say a word.

Mr. MADDEN. Mr. Chairman, I want to say this, that it is not fair to assume that the Postmaster General, whoever he may be, would pay double the rate if he could get the product carried for half the rate. And even though you give him the discretion, he is bound by every sense of decency and justice to carry the property that he is charged with having carried at the lowest rate he can get.

Mr. COOPER. Mr. Chairman, of course there is no one that would impugn the integrity of the Postmaster General or attack any executive officer of the Government. But this is a Government of laws, and not of men, and there should be a limit set upon the discretion to be exercised by executive officers in the expenditure of public money. But here we deliberately say in so many words that the Postmaster General shall contract, at a rate which may be, as the gentleman from Maryland [Mr. LEWIS] has just said, for the carriage of magazines, twice what we now pay for a satisfactory service. Of course he would not, perhaps, do that, but no opportunity to do it should be given by law to any official. We should not write such a law. We should not deliberately enact a statute that will permit the Postmaster General in his discretion to pay twice as much as we now pay for a service that is entirely satisfactory, though I take the answer of the gentleman from Maryland [Mr. LEWIS] to mean that this would be possible.

Mr. STEENERSON. Mr. Chairman, I would like to say to the gentleman from Wisconsin [Mr. COOPER] that if I understand the object of this paragraph it is to provide a method whereby the Postmaster General, after this new space plan of railway mail pay is adopted, can transport this mail, which need not go expeditiously, at a cheaper rate than he would be compelled to pay if he used space.

In order that it may be more clear, I would call the committee's attention to the fact that under existing law, where we pay by the pound per mile, we have authorized the Postmaster General to withdraw from the mails magazines and periodicals that are not frequently published and that need not be transported so expeditiously as first-class mail, before the weighing period takes place, and to keep them out of the mails during the four years between the weighing periods, and during those four years transport them by freight. And it is claimed by the Post Office Department in their reports and in the hearings on this bill that they have saved two or three millions of dollars a year in that way. Although we can do that now, by withdrawing them from the mail before each quadrennial weighing, we could not do so if we adopted a space plan for railway mail pay, which this bill contemplates. Therefore, when we adopt a space plan, we would pay so much directly for the moving of the car. That car might have a load of 5,000 pounds or 20,000 pounds, and in case of a storage car it might have as high as 30,000 pounds to the load. But usually the R. P. O. cars, so called, carry a load of 2 or 2½ tons—probably 5,000 pounds is the highest, though they might average less. And if we pay for them at the rate of 25 or 26 cents a mile, then it would pay to ship the magazines and these other periodicals that need not move so expeditiously by freight, and therefore this paragraph is intended to authorize the department to save railway mail space under the new plan and, instead, pay the freight, and no one would be injured by it.

It will simply authorize the Post Office Department, when the new space plan is perfected and put into operation, to save money by shipping this kind of matter by fast freight, and there is no undue amount of discretion involved in the proposition, as I can see. On the contrary, I think the criticism of the gentleman from Maryland is wide of the mark, and I can see no objection to it at all.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and where such return requires additional authorization of car space under the provisions of this act to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

Mr. FITZGERALD. Mr. Chairman, I think the gentleman from Tennessee wants to change the word "act," on line 4, to "section."

Mr. MOON. Yes. I ask unanimous consent, Mr. Chairman, to make the change indicated.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 46, line 4, by striking out the word "act" and inserting the word "section."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding \$5,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I do so, Mr. Chairman, to inquire whether there is any doubt about our authority to impose a fine upon a railroad for refusing to permit the Postmaster General to confiscate its property if he should so choose. Is there any doubt about our authority?

Mr. MOON. You can impose a fine in the sense of a punishment provided under the law for the offense, but, of course, the Postmaster General has no authority to confiscate property. He has authority to reduce the compensation.

Mr. MANN. I am talking about the provision now that makes it unlawful for a railroad company not to accept a contract tendered by the Postmaster General at the rate fixed by the Postmaster General, and if the railroad company refuses, to fine it not exceeding \$5,000. Of course the fine does not amount to very much, if that is all that it is. We have certain powers, of course, in the regulation of the Postal Service under the Constitution; but does it go to the extent of permitting us to say how much we shall pay a railroad company for transporting the mail, or requiring them to transport it free, if we should say so, and then fine them if they refuse to do it?

Mr. MOON. I think we have the power to fix the rate, provided it is a reasonable rate, and to punish the railroad company for not carrying it if it refuses to do it at a reasonable rate. But we have not the power to fix a rate that would be in any sense confiscatory; and if we do that, then the action that we take here is unlawful, and the section could not be enforced. That would be a question of mixed law and fact for the court.

Mr. MANN. Well, practically this gives to the Government officials the power to fix the rate at which mail shall be carried.

Mr. MOON. Yes.

Mr. MANN. And there is nothing in it that says that it shall be a reasonable rate.

Mr. MOON. Yes; but the law of the land says that. The law of the land is a part of every amendment to it.

Mr. MANN. This is not the law of the land.

Mr. MOON. I know; but if it were not reasonable it would not be the law of the land under the Constitution.

Mr. MANN. Yes; that is what I am trying to find out—whether this is constitutional or not.

Mr. MOON. We propose to write the legislative will on that subject in this act. We can do it under the Constitution, provided our act is not confiscatory of the property of the railroad company. If it is, then our act here is invalid, and that will be a question for the court to determine.

Mr. MANN. Ah, that is not a question for the courts under this if the act is valid.

Mr. MOON. The interpretation, I mean. The gentleman from Illinois should understand that the interpretation is a question for the courts. If the railroad companies say that they are not satisfied with this action and that it is violative of their constitutional right and that it takes their property and confiscates it to the public use without fair compensation, then the courts are open to determine that question. There is no doubt about that, in my opinion.

Mr. MANN. I am not at all certain of that. Of course if the Government takes the property of the railroad companies, they have a claim against the Government. But we have taken the property; we frequently take the property of people, although the Constitution says we can not take it without making compensation. But we take it, and then they have a claim against the Government.

Mr. MOON. When we take it we have to provide an indemnity.

Mr. MANN. Well, the gentleman represents the State of Tennessee, where the Union soldiers are said to have taken a great deal of property during the Civil War and made use of it. We have many claims here which have not yet been paid, and which my friend from Tennessee is urgently insisting ought to be paid, because the Government took the property over 50 years ago. They have not got their money yet.

Mr. MOON. That is not a case like this. That is a major force exercised incident to war, and that is not the construction of a civil act.

Mr. MANN. We take the property now. What I want to get at is, where is the authority to say that one party to a contract can lay down the lines of the contract, although that party is the Government, and then fine the other party because it does not accept the contract.

Mr. MOON. It is a governmental power that we have under the Constitution which we have the right to exercise. It is the sovereignty of the people, being exercised upon a corporation which is but the servant of the people, and the courts have al-

ways held that we have the right to take the property of the corporation, or to force it to action in behalf of the Government, where we do not confiscate it.

Mr. MANN. The courts will hold that the Government has the right to take property, and then must make compensation for it under a claim against the Government; but if any court has ever held that the Government can go to a man and say, "I want to buy your wagon; I will pay you 10 cents for it; that is all it is worth; and if you will not take it I will fine you \$5,000 because you do not sell it to me"—if any court has ever held that, it is news to me.

Mr. MOON. No court ever held that, and no court ever will hold that.

Mr. MANN. I think not.

Mr. MOON. But when the Government says, "Here is your property; I want it; and here is the compensation," if the amount of the compensation is just and reasonable the man has got to take it. If it is not just and reasonable, as in the case of your wagon at 10 cents, all the man who owns the wagon has to do is to say, "I refuse, because the constitutional right I have is superior to the act of Congress, and Congress has no power to confiscate my property." And if the Government then proceeds, it proceeds at the peril of the invasion of the man's constitutional right, and the courts are here for the protection of the citizen under such circumstances.

Mr. MANN. But here is a provision fining the man.

Mr. MOON. Of course, the whole thing is void if it is confiscatory.

Mr. MANN. Here is a provision fining the man because he does not accept a contract which you admit can not be enforced.

Mr. MOON. The provision fining the corporation would be void if its effect was confiscatory, but the man at his peril raises the question against the sovereign Government.

Mr. MANN. If the whole act is void in case there is confiscation, then the whole act is void to begin with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. MANN. I want a chance to use a little of my time.

Mr. MOON. Then I will ask that the gentleman have 10 minutes, if necessary. I just want to say to the gentleman from Illinois that when we pass an act of this character, enforcing the sovereignty of the Government in the control and disposition of property, in the action of a corporation, we pass it upon the idea that it is just and right and that we do not confiscate its property. But we may be mistaken about that. It may be that we have gone farther than we had the constitutional right to go. If we have, then our whole act here is void, and the citizen, under the Constitution, can protect himself against such legislative enactment. But if in the consideration of the case it finally turns out that we have justly exercised our sovereignty against the creature of government, the corporation, and that the corporation has attempted wrongly to disobey the legislative mandate, and that, in fact, there has been no confiscation, but that proper action has been taken by the Government, then the railroad company must submit to the inevitable and pay the fine.

Mr. MANN. Mr. Chairman, you can not determine the constitutionality of an act by a particular case which may arise, because when the question comes before the courts in one case they determine the constitutionality of the act before some other case has arisen. So that the validity of this act must be determined upon its face, not by the question whether the Government attempts in future in a particular case to confiscate. The Government may attempt in some particular case to confiscate. The gentleman from Tennessee says that renders the act invalid.

Mr. MOON. It is nonenforceable in that particular case, of course.

Mr. MANN. If the act is constitutional and valid, then that is imposing a fine on a railroad company which does not accept the rate offered it in a contract; and there is one place in the bill, the paragraph referred to a moment ago by the gentleman from Wisconsin [Mr. COOPER], where the Postmaster General is permitted to fix as low a rate as he pleases, except that he can not fix a higher rate than the rate imposed by express companies; and the railroad company then must carry the mail at the rate so fixed by the Postmaster General, which may be 1 cent a ton. Of course, you could not enforce that; but, then, you apply the criminal procedure, which undertakes to say that if a railroad company does not accept it you will fine them \$5,000, and if the act is valid that fine will be imposed.

I think probably the courts will say that the act is not valid, to begin with, and that may destroy your whole act, as far as this matter is concerned. I do not know whether the Govern-

ment has ever attempted to fine a railroad company for refusing to carry the mails. I doubt whether a railroad will ordinarily refuse to carry the mails, but I question very much the propriety of the Government saying to a man or a corporation, "You must do a certain service for me, or sell me a certain thing at the price which I name, and if you do not I will fine you or send you to jail," because if you have the power to impose a penalty as a fine you have the same power to send the officers of the corporation to jail who do not agree to the contract.

Mr. MOON. Mr. Chairman, I want to ask, as affecting the jurisdiction of this body, if the Southern Railroad Co. should say to-morrow to the Government of the United States "We will not carry the mail from Washington to New York," what power is there in the Government to make them do it? It has the power of a sovereign over a creature of the law. Whenever this body says to that Southern Railway Co. "You shall carry the mail," that mandate has got to be obeyed, provided that in saying it it gives a proper compensation for the carrying of it. In other words, the corporation is subject to the jurisdiction and control of the sovereign power of the United States Government on that question for the purpose of carrying out its functions in behalf of the interests of the people, and the only limitation under the Constitution is that the services shall not be demanded of the corporation except for a fair compensation. If the legislative body fails to give the compensation that is due and thereby renders it confiscatory against the company, then there is a limit and an end to the power of the Government over the citizen or corporation. But so long as the Government does not confiscate the property of the railroad company in this mandate to perform a public service, it has the right under the Constitution to demand it.

Mr. COOPER. Will the gentleman permit a question?

Mr. MOON. Certainly.

Mr. COOPER. This power is not exercised by the Government under any claim of eminent domain—under constitutional provision that it can take private property for public use?

Mr. MOON. No; that comes in as a secondary proposition when the effect of the governmental action is confiscation.

Mr. COOPER. The Southern Railroad is a State corporation, a citizen of the State?

Mr. MOON. I do not know; of some State, I presume.

Mr. COOPER. Suppose the Government of the United States wishes the mail carried into a territory where there is no railroad, would it have the right to say to a private citizen, "You carry the mail with your horses and wagon at such a figure or we will fine you."

Mr. MOON. Oh, no; does not the gentleman realize the difference between dealing with a public-service corporation and a private citizen? The public-service corporation is clothed with the functions of government, and the fact that it is a creature of the Government enables both State and Federal Government to force it into this service in the interest of the people for the accomplishment of some purpose that will be of benefit to the people.

Mr. COOPER. Of course I understand the difference between a private citizen and a corporation. The Government can demand that a corporation perform the service of carrying mail at a particular figure that is not confiscatory; but can it impose a criminal sentence, a fine, upon that company if it does not perform the service?

Mr. MOON. I think the corporation that refuses to perform a public service raises the question of confiscation at its peril if it turns out to be wrong on the question. If it is right and the action of the Government is confiscatory, then of course the Government can not enforce the mandate. I want to say that I believe in the doctrine that the Government of the United States by its power and authority under the Constitution, and those powers that must necessarily be implied as inherent in the sovereignty, has the right to make any corporation that is a common carrier perform service for the Government, such as carrying the mails or a similar service, under the Constitution. If any railroad company in all of this land can say to this Government, "Whether you pay us a large price or a small price we stand upon our rights as a citizen—artificial though it may be—and we decline to do that as a corporation which a private citizen may have the right to decline to do"—if you are to enforce a doctrine of that sort, you nullify and destroy the power of your Government; and the Federal Government is not sovereign and can not protect itself, nor can it enforce the rights under the Constitution necessary for the interest and welfare of this people if you submit to a doctrine that it is powerless to control under those conditions.

Mr. MANN. Mr. Chairman, just one moment. We have the power to declare and control what are post roads and post

routes, and under that power we have declared that all railroad companies are post roads and post routes. I have no doubt whatever that we have the power to require a railroad company to carry the mail, not the slightest, under our constitutional privilege, but that is quite a different thing from saying that we will fix on our side the rate at which they shall carry the mail. We have the power to compel them to render the service, and if we can not arrive by mutual agreement at rates to be paid, that would be adjusted by the courts on a claim against the Government, but here is a proposition which says that we have not only the power to require the mails to be carried, but the power to fix the rates ourselves, and then the power to fine the people if they fail to adopt our rates.

Mr. JOHNSON of South Carolina. Mr. Chairman, the gentleman from Illinois does not announce the doctrine that the rate-making function belongs to the courts.

Mr. MANN. Certainly not.

Mr. JOHNSON of South Carolina. Can not Congress fix the passenger and freight and post office or any other rate? Is not that a legislative function?

Mr. MANN. It is a legislative function.

Mr. JOHNSON of South Carolina. I understood the gentleman to claim that the Congress had the power to say that the railroads should carry the mails, but whether the rate fixed by Congress would stand is for the courts to say.

Mr. MANN. It is for the courts.

Mr. JOHNSON of South Carolina. The court could only decide that it is confiscatory and could not fix any rate.

Mr. MANN. I did not say that it could.

Mr. JOHNSON of South Carolina. I did not think that the gentleman would say that.

Mr. MANN. If the railroad companies do something for us and we do not pay them, they can go to the courts with a claim against the Government. My friend knows that as well as I do.

Mr. JOHNSON of South Carolina. Oh, certainly, I agree with that proposition.

Mr. MANN. That is what I said.

Mr. JOHNSON of South Carolina. I thought the gentleman was announcing here that the courts could fix the rates.

Mr. MANN. The courts do fix the rates for anything that has occurred. The gentleman does not bear in mind the distinction. The courts do fix the rate for that which is passed, but the courts under the Constitution do not have the power to fix the rates for the future. That is the distinction, which is well known to those who have been giving special study to this subject.

Mr. STEENERSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "company," in line 13 on page 46, insert the words "engaged in the business of operating a railway as a common carrier," and after the word "the," in line 14, insert the word "reasonable."

Mr. STEENERSON. Mr. Chairman, I think we are all interested in having this section perfected, so as to make it valid and constitutional, if it can be done, and it seems to me that on its face it is of doubtful constitutionality, because, in the first place, it is too broad. It covers every railroad company whether it is operating a railroad or not. It might be said that that would be implied, and that by the process of judicial construction it would be held to apply only to a company engaged in operating a railroad, but we may as well make it so plain as to remove any doubt. There are hundreds of railroad companies that do not operate railroads. For instance, in my State there is a railroad company that operated several lines for 30 years, and then it leased those lines. It is still a railroad company, and it owns the lines, but it has leased them to another operating company, and to say that that company which is not engaged in business as a common carrier should carry the mail, and because of failure to do so be subject to fine, would be absurd. It is not necessary to do that. We can make this plain that a railroad company that operates a railroad as a common carrier is what is understood.

There are a number of private railroads; I know of one railroad in my State, which is a logging railroad, and it has not been opened to the public. They do not carry freight as common carriers. They have purchased their right of way, and they own it, and it is operated in the interest of the owners, and they do not profess to be common carriers. Now, it would not be reasonable to compel them to carry the mails, and we are running up against all sorts of objections in that way if we leave the language blank. Another thing. This provides:

That it shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do.

Now, I think that the objection that has been raised to this on the ground that the rate prescribed by law might be confis-

catory would be avoided if we insert the word "reasonable" before the word "rates," so that it would read:

At such reasonable rates of compensation provided by law when and for the period required by the Postmaster General so to do.

Without this amendment it seems to me that this provision is of doubtful constitutionality and might therefore injure the efficacy of the whole provision. I myself in committee suggested that it would be better to make it the duty—that is, to say that it shall be the duty—of every company operating a railroad to carry the mails, if it were a common carrier, and simply leave it to the courts to enforce that duty by injunction, mandamus, or something of that kind, instead of having a criminal penalty against the corporation, which is not the ordinary course of business. The penalty of a fine of \$5,000 hardly seems applicable to a case of this kind. If we are going to write in this section a clause in the nature of a definition of a crime, it seems to me that it ought to be plain. By inserting the word "reasonable" before the word "rates" we make it plain we are aiming at the railroad company that actually operates a railroad as a common carrier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, of course this act does not propose to take any action against any but railroad companies that engage in the carrying of mails or engage in a common-carrier business. There might be a little logging railroad through the country hauling to a sawmill, or things of that sort, and this act could have no application to that sort of a corporation. Now, as to the question of reasonable rates. If the gentleman opens up that question, he opens up the whole field of contention in reference to railway rates and would nullify every section practically of this act by saying that every company in the United States shall be in litigation by an injunction, or some other process, against the performance of this act. The language is right:

To refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do.

Are we simply sent here to say "reasonable rates" and leave it to all the courts to settle this litigation in every single instance with every railroad company? We want to exercise some virile power in this Government. We want to say to the railroad companies, "We have got the power to make you carry these mails; we have fixed the rates and you have got to carry them at the rates we fix. If you do not like it, if you think we confiscate your property, then there are the courts, here is the Constitution"—

Mr. STEENERSON. Will the gentleman yield?

Mr. MOON. Mr. Chairman, I would like to ask for a vote on this section.

Mr. STEENERSON. The gentleman concedes there is no judicial authority for the contention you could fine a railroad company for refusing to carry the mails; that has never been determined.

Mr. MOON. Why, there is no use in discussing that matter with the gentleman if he does not understand the difference in the power of the Government in enforcing its action by legislative order or mandate and the right of a citizen under the Constitution in the courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken and the amendment was rejected.

The Clerk read as follows:

That the unexpended balances of the appropriations for inland transportation by railroad routes and for railway post-office car service, by the act of March 9, 1914, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, are hereby made available for the purposes of this act.

Mr. MOON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 46, lines 20, 21, and 22, strike out the words: "By the act of March 9, 1914, making appropriations for the service of the Post Office Department." And in line 23 on the same page strike out the words "fifteen, and for other purposes" and insert the word "sixteen."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. Moon].

Mr. MANN. How would that read? I ask to have it reported as it would be if amended.

The CHAIRMAN. The Clerk will report the paragraph as amended.

The Clerk read as follows:

That the unexpended balances of the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1916, are hereby made available for the purposes of this act.

Mr. MANN. That should be then "of this section." It should read "available for the purposes of this section." That is what you want.

Mr. MOON. Yes.

Mr. MANN. That is, the appropriation in the bill shall be made available for purposes of this section.

Mr. FITZGERALD. That amendment completely changes the paragraph. Do I understand the purpose of the paragraph as amended will be to make the unexpended balances of the appropriations in this bill—

Mr. MOON. It reads:

That the unexpended balances of the appropriations for inland transportation for railroad routes and for railway post-office car service by the act of March 9—

Mr. FITZGERALD. That is stricken out.

Mr. MOON. That is stricken out, and we put in place of it:

For the fiscal year ending June 30, 1916.

Mr. MANN. The words "unexpended balances" should be stricken out, so that it would read "appropriations for inland transportation" carried by this act.

Mr. MOON. I move to strike out the words "unexpended balances."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 18, strike out the words "unexpended balances of the."

Mr. MOON. And change "act" to "section."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 24, at the end of the paragraph, strike out the word "act" and insert the word "section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

Mr. CULLOP. Mr. Chairman, will the gentleman yield? I think this question is not complete, and I want to ask to have the section reported again as amended.

Mr. STEENERSON. With that understanding I will yield.

Mr. CULLOP. That is all I care for. May we have the paragraph reported now as amended?

The CHAIRMAN. The Clerk will report the paragraph as amended.

The Clerk read as follows:

Page 46, beginning with line 18, the paragraph as amended will read: "That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1916, are hereby made available for the purposes of this section."

Mr. STEENERSON. It has been said that this new plan of railway mail pay has been recommended by a commission that investigated the subject very thoroughly, and that is true. I understand, however, the rates recommended by this commission are higher than those contained in this bill. If I understood the remarks of the chairman in general debate on this bill, wherein he discussed the railway mail pay feature, he has a very sanguine idea of the results of this new system of railway mail pay. And he estimated the saving by this new plan at something like \$10,000,000 a year. Of course, that is a "consummation devoutly to be wished," provided, of course, that the rates that we pay to those who do the work are compensatory or reasonable. But there is an implication contained in the statement that I do not feel that I can pass by without answering, and that is this, that if the railway mail pay of to-day is excessive to the extent of \$10,000,000 or \$12,000,000, as stated by the chairman, then it is the fault of the legislation that has been enacted heretofore.

Now, I have served on the Committee on the Post Office and Post Roads for many years, and during the first five or six years of my service on that committee we reported several bills, and they became laws, for the reduction of railway mail pay; and they operated to that effect. As a matter of fact, railway mail pay has been gradually reduced, if we compare it with the total expenditures of the Post Office Department. And I think that way of comparing them is fair, for if a man, for instance, figures out his expenses of living, he says, "Well, I spend so much for clothing, I spend so much for food, I spend so much for amusement," and he figures up that perhaps he has been extravagant in one item, and therefore he says, "I must curtail that item." Now, then, the Post Office Department spends money chiefly for clerical help and for carriage. They collect money for postage, and they collect that money according to the weight of the article put into the mail. If a letter weighs an ounce they collect 2 cents on it, and if it weighs more they collect more, according to the number of ounces. If a package

weighs so much, they collect a certain rate. So we charge postage according to the weight of the article.

Some 40 or 50 years ago the system of railway mail pay that we now have was adopted, and it was based on the same reasoning, that the reasonable way to pay was by the pound, or by the ton, according to the distance that the railways moved an article. Under that system of pay, by weight and distance, I find, upon looking at the statistics, that in 1883 we spent 32.2 per cent of our total postal expenditure for railway transportation; in 1888 we spent 34.5 per cent; in 1893, 35.5 per cent; in 1898, 35.4 per cent; in 1908, 23.6 per cent.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I will ask for five minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. STEENERSON. The cause of that gradual reduction was the revision of the railway mail pay that Congress enacted. It was reduced the next year, 1909, from 23.6 to 22.4, and the next year, 1910, to 21 per cent. It was the same in 1911, but in 1912 it was reduced to 20 per cent, and in 1913 it was 19.6 per cent of the total expenditures. So that there has been a gradual reduction in the amount of the expenditures for railway service as compared with the total postal expenditures.

Now, I am not opposing this railway mail scheme, and I shall not oppose it. I shall vote for it because of the representations of the Post Office Department to the effect that it is such a desirable thing to have. I shall give it the benefit of the doubt, but I can not share in their hope of reducing the aggregate of railway pay to any great extent by that system.

One of the things that I see is that in the new system the amount of pay that the railroads will receive will be determined to a very much greater extent than now by the discretion of the officials who administer the law, because it will be dependent upon the authorization of space by the Postmaster General. It will not be, as stated by the gentleman from Wisconsin, a government of law, but a government of men to that extent—to a much greater extent than it is now. The pay will be governed by the amount of space authorized, and they may authorize more than they need, or they may authorize less than they need; and I fear that there will not always be a man in the Post Office Department that will look out for the interests of the people as carefully as the present head of that department does in this regard, and there might be a friend of the railroads at the head of the department who would allow too much. And therefore I do not anticipate that there will be such a great saving as is anticipated. Besides, I am reminded of the fact that this commission, which we have heard eulogized by the gentleman from New Jersey [Mr. TUTTLE], of which he was a very distinguished member, claim to have found as a matter of fact that the present railway mail pay was not excessive. It was not claimed by that commission that we were paying anything too much, and therefore it is hardly to be expected that the prophecy of the gentleman from Tennessee [Mr. MOON], that we shall save ten million or twelve million dollars by this new law, will be realized. The estimate of the department under the new plan is about the same as under the present. I want to go on record now as saying that I fear, when the accounts for the future are rendered under this law, they will not show such a gradual reduction of railway mail pay as is shown by this table, which I will make a part of my remarks. If you can reduce it, you are entitled to the credit, but I desire to resent the imputation involved, that we are paying any great amount more than we ought to pay at the present time. I do not think we are. The proofs submitted on that question do not support any such claim.

Comparative statement of expenditures for Postal Service.

Year.	Total for Postal Service.	For railway post office car service and railway transportation.	Per cent of railroad expenditure to total.
1883.....	\$43,282,944.43	\$13,887,800.00	32.2
1888.....	56,468,315.20	19,524,959.15	34.5
1893.....	81,581,681.33	28,910,195.80	35.5
1898.....	98,033,523.61	34,708,847.46	35.4
1903.....	138,784,487.97	41,886,848.59	30.1
1908.....	208,351,886.15	49,404,763.05	23.6
1909.....	221,004,102.89	49,606,440.16	22.4
1910.....	229,977,224.50	49,302,217.46	21.8
1911.....	237,648,626.68	50,610,261.68	21.0
1912.....	248,525,450.08	50,708,323.02	20.4
1913.....	262,067,541.33	51,466,030.62	19.6

From 1908 to 1913 the postal revenues increased in round numbers \$54,000,000, while railroad pay for transportation of mail only increased \$2,000,000. A good showing for economy, it seems to me.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That on account of the increased weight of mails resulting from Postmaster General's order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum.

Mr. MOON. Mr. Chairman, I move to amend, on page 47, line 3, by striking out the words "seventy-seven hundred and twenty, of December eighteenth" and inserting in lieu thereof the words "seventy-three hundred and forty-nine, of July twenty-fifth."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 47, line 3, strike out the words "seventy-seven hundred and twenty, of December eighteenth" and insert in lieu thereof "seventy-three hundred and forty-nine, of July twenty-fifth."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 13. That on account of the increased weight of mails resulting from Postmaster General's order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum.

Mr. MOON. Mr. Chairman, there are some errors in that paragraph that I want to correct. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 47, line 13, strike out the word "order" and insert in lieu thereof "orders."

In line 14, after the word "twenty," insert the following words: "and seventy-seven hundred and twenty-one."

In lines 16 and 17, strike out the words "effective from January 1, 1914" and insert in lieu thereof "and admitting books to the parcel-post classification."

The amendment was agreed to.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, and had come to no resolution thereon.

CHANGE OF REFERENCE.

Mr. RUSSELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUSSELL. I wish to ask a change of reference of three Senate bills that were sent to the wrong committee.

The SPEAKER. What are the numbers of them?

Mr. RUSSELL. The bills are S. 1991, 3509, and 6152. These bills were referred to the Invalid Pensions Committee, and they should go to the Military Affairs Committee.

The SPEAKER. Without objection, that change of reference will be made.

There was no objection.

HOOR OF MEETING TO-MORROW.

Mr. MOON. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. STEENERSON. Reserving the right to object—

Mr. MANN. Let me make a statement. The understanding—which I suppose will be carried out—is that when we adjourn to-morrow we will adjourn until Monday.

Mr. FITZGERALD. Who made the understanding?

Mr. MANN. The gentleman from Alabama [Mr. UNDERWOOD] and myself.

Mr. FITZGERALD. That is all right.

Mr. STEENERSON. What is the necessity for meeting at 11 o'clock to-morrow?

Mr. MANN. If we are going to adjourn over two days on account of New Year's, I think it is quite proper that we should meet a little earlier to-morrow.

Mr. STEENERSON. But this bill is nearly finished.

Mr. MOON. There are seven pages of it left.

Mr. FITZGERALD. And there is another bill to come up.

Mr. STEENERSON. I should like to be here, but it is pretty hard for me to get here at 11 o'clock. I want to take my usual 3-mile walk in the morning and attend to my correspondence.

Mr. FITZGERALD. I suggest to the gentleman that he get up an hour earlier and walk 7 miles.

Mr. STEENERSON. I can not see any great exigency for meeting at 11 o'clock.

Mr. FITZGERALD. Unless we can finish this bill to-morrow and go on with another bill, we will have to work on New Year's Day.

Mr. MANN. Oh, yes; we ought to finish this bill to-morrow and begin on the next one.

The SPEAKER. Is there any proposition with reference to adjourning over?

Mr. MANN. No; that is not before the House. The request is for unanimous consent to meet at 11 o'clock.

The SPEAKER. Is there objection to the request that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning?

There was no objection.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6939. An act to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency, in South Dakota.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Thursday, December 31, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Tres Palacios River, Tex. (H. Doc. No. 1464); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. Letter from the Secretary of the Interior, submitting report on land withdrawals from settlement, location, sale, or entry under the provisions of act of Congress approved June 25, 1910 (36 Stats., 847) (H. Doc. No. 1465); to the Committee on the Public Lands and ordered to be printed.

3. Letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of the Navy submitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1916 (H. Doc. No. 1466); to the Committee on Appropriations and ordered to be printed.

4. Letter from the Comptroller of the Currency, transmitting annual report of the Comptroller of the Currency for the 12 months ending October 31, 1914 (H. Doc. No. 1467); to the Committee on Banking and Currency and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 17388) creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes, reported the same with amendment, accompanied by a report (No. 1251), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res.

382) authorizing the President to extend invitations to other nations to send representatives to the International Dry Farming Congress, to be held at Denver, Colo., September 27 to October 8, inclusive, 1915, reported the same without amendment, accompanied by a report (No. 1252), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BROWNING, from the Committee on Naval Affairs, to which was referred the bill (S. 1060) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, reported the same without amendment, accompanied by a report (No. 1253), which said bill and report were referred to the Private Calendar.

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 11927) for the relief of Matthew McDonald, reported the same with amendment, accompanied by a report (No. 1254); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20238) granting a pension to William E. Martin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20251) granting a pension to George H. Dry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20240) granting a pension to Louisa Fleming; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 20370) to provide for the extension and enlargement of the Federal building at Boise, Idaho; to the Committee on Public Buildings and Grounds.

By Mr. LEVER: A bill (H. R. 20415) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916; to the Committee of the Whole House on the state of the Union.

By Mr. MILLER: A bill (H. R. 20416) to repeal House concurrent resolution 9, section 2, of an act entitled "An act granting to the Sociedad Anonima, denominada 'Pototan Electric Light & Power Co. (Ltd.)', a franchise to install, operate, and maintain an electric light, heat, and power system in the municipality of Pototan, Province of Iloilo, Philippine Islands"; and a part of section 3 of an act entitled "An act granting a franchise to Charles M. Swift to construct, maintain, and operate a hydroelectric plant and electric lighting, heating, and power system and electric-transmission lines in the island of Luzon," passed by the third Philippine Legislature at the second and special sessions of 1914; to the Committee on Insular Affairs.

By Mr. MURRAY: A bill (H. R. 20417) to construct a bridge across the South Canadian River in Oklahoma; to the Committee on Appropriations.

By Mr. ADAMSON: A bill (H. R. 20418) to authorize the purchase or construction of six new vessels, with all necessary equipment, for the Coast and Geodetic Survey, and providing for additional surveys by the Coast and Geodetic Survey; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Minnesota: A bill (H. R. 20419) to provide for the remodeling and repairing of the Federal building known as the old post-office building, at Minneapolis, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: A bill (H. R. 20420) prohibiting bands or members thereof of the Army, Navy, or Marine Corps from receiving remuneration for furnishing music outside the limits of military posts and barracks; to the Committee on Military Affairs.

By Mr. MANN: Resolution (H. Res. 688) directing the Committee on Ways and Means to report a bill creating a tariff board; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 20421) granting an increase of pension to Francis M. Beck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20422) for the relief of William E. Murray; to the Committee on Claims.

By Mr. BAKER: A bill (H. R. 20423) for the relief of Frank Pullem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20424) to reimburse William K. Lovett for sloop Edith and cargo, lost while in the service of the United States Government; to the Committee on Claims.

Also, a bill (H. R. 20425) for the relief of Michael Herron; to the Committee on Naval Affairs.

By Mr. BARTON: A bill (H. R. 20426) granting a pension to Willis M. Short; to the Committee on Pensions.

By Mr. BLACKMON: A bill (H. R. 20427) to authorize the sale of certain land in Alabama to Walter Dean; to the Committee on the Public Lands.

Also, a bill (H. R. 20428) to authorize the issue of a patent to certain land in Alabama to William M. Wilson; to the Committee on the Public Lands.

By Mr. BURGESS: A bill (H. R. 20429) granting an increase of pension to John F. Rector; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20430) granting an increase of pension to James McGhie; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 20431) granting a pension to Perneta J. Campbell; to the Committee on Invalid Pensions.

By Mr. DONOVAN: A bill (H. R. 20432) granting an increase of pension to Martha L. Quick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20433) granting an increase of pension to Ella Keppy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20434) granting an increase of pension to Jane Ganung; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 20435) granting a pension to Frederick Krebs; to the Committee on Pensions.

Also, a bill (H. R. 20436) granting an increase of pension to Edward M. Duffy; to the Committee on Pensions.

By Mr. EVANS: A bill (H. R. 20437) for the relief of Omer D. Lewis; to the Committee on Claims.

By Mr. FORDNEY: A bill (H. R. 20438) granting an increase of pension to Jay C. Randall; to the Committee on Pensions.

By Mr. GARDNER: A bill (H. R. 20439) for the relief of the heirs of the late Frank Henry Rogers; to the Committee on Claims.

By Mr. HOLLAND: A bill (H. R. 20440) granting an increase of pension to Lucy W. Binford; to the Committee on Pensions.

Also, a bill (H. R. 20441) for the relief of Hudson Bros., of Norfolk, Va.; to the Committee on Claims.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20442) granting a pension to Dora Hoffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20443) granting a pension to Lewis J. Crider; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 20444) granting an increase of pension to Josephus Clark; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 20445) granting an increase of pension to William Hewitt; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 20446) granting an increase of pension to Nathan Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20447) granting an increase of pension to William Cunagin; to the Committee on Pensions.

Also, a bill (H. R. 20448) granting an increase of pension to Isaac Goble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20449) for the relief of Samantha Slusher; to the Committee on War Claims.

By Mr. LESHER: A bill (H. R. 20450) granting an increase of pension to Samuel J. Pealer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20451) granting an increase of pension to Sarah A. Haring; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 20452) granting an increase of pension to Rachel E. Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20453) for the relief of the estate of Robert Brown, deceased; to the Committee on War Claims.

By Mr. LINTHICUM: A bill (H. R. 20454) granting a pension to Jacob Mercer; to the Committee on Pensions.

Also, a bill (H. R. 20455) granting a pension to Albert A. Kelly; to the Committee on Pensions.

Also, a bill (H. R. 20456) granting a pension to Julia Gallagher; to the Committee on Pensions.

By Mr. MCGILLICUDDY: A bill (H. R. 20457) granting an increase of pension to Melinda Keenan; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 20458) granting an increase of pension to Boman R. Butcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20459) granting an increase of pension to George G. Sherlock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20460) to correct the military record of James McMannin and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 20461) granting an increase of pension to Mary J. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20462) granting an increase of pension to Laura A. McCormick; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 20463) granting an increase of pension to C. L. Belknap; to the Committee on Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 20464) granting a pension to Peter Throssel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20465) for the relief of A. A. Kelly; to the Committee on Claims.

By Mr. STEPHENS of Nebraska: A bill (H. R. 20466) granting a pension to Harry N. Gates; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 20467) granting an increase of pension to William Orr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 20468) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 20469) granting a pension to Anna R. Cartwright; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Tuscarawas County (Ohio) Woman Suffrage Association, favoring woman suffrage; to the Committee on the Judiciary.

Also, evidence to accompany House bill 20359, for relief of Eliza E. Wells; to the Committee on Invalid Pensions.

By Mr. DILLON: Petition of citizens of South Dakota, favoring recognition for Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. DRUKKER: Petition of citizens of New Jersey, favoring House joint resolution 377 relative to export of munitions of war; to the Committee on Foreign Affairs.

By Mr. GILL: Memorial of North St. Louis Business Men's Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. GILMORE: Petition of citizens of Bristol, Mass., and Swedish Cromer Lodge, No. 10, International Order of Good Templars, of North Easton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOULDEN: Petition of citizens of New York City, against export of munitions of war from the United States to warring nations; to the Committee on Foreign Affairs.

Also, petition of William D. Peck, New York City, favoring restoration of the protective tariff; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of Antoinette P. Brayton, of Providence, R. I., against woman suffrage; to the Committee on the Judiciary.

By Mr. KONOP: Petition of citizens of the ninth congressional district of Wisconsin, favoring House joint resolution 377, prohibiting export of munitions of war from the United States; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Post Office Clerks' Association, protesting against removal of post-office employees from service on account of old age; to the Committee on Reform in the Civil Service.

By Mr. ROGERS: Petition of the Matthew Temperance Institute, Lowell, Mass., against the recognition on the part of the United States of any government in Mexico which will refuse to guarantee civil and religious freedom to the inhabitants of Mexico; to the Committee on Foreign Affairs.

By Mr. SLOAN: Petition of citizens of Omaha, Nebr., against woman suffrage; to the Committee on the Judiciary.

SENATE.

THURSDAY, December 31, 1914.

(Legislative day of Tuesday, December 29, 1914.)

The Senate met at 11 o'clock a. m., on the expiration of the recess, and was called to order by the Presiding Officer, Mr. SWANSON.

Mr. SMOOT. Mr. President, I ask unanimous consent to introduce a bill and have it printed in the RECORD. It deals with the development of water power, a subject that is now before Congress.

The PRESIDING OFFICER (Mr. SWANSON). Is there objection?

Mr. SMITH of Georgia. As the Senator from Utah is the only person who is now on the floor to object—

Mr. SMOOT. If the Senator from Georgia objects, I certainly shall not ask leave to introduce the bill.

Mr. SMITH of Georgia. I am not going to object; but I say as the Senator from Utah makes the request, there is no one left to object, because we rely on him especially to prevent an irregular mode of procedure.

Mr. LODGE. Mr. President, I suggest the absence of a quorum.

Mr. SMOOT. I withdraw my request.

Mr. SMITH of Georgia. No; I do not object. I think the Senator does a great deal of good by interposing an objection in such cases.

Mr. GALLINGER and Mr. GRONNA. Regular order!

The PRESIDING OFFICER. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Page	Sutherland
Borah	James	Perkins	Swanson
Bryan	Jones	Pittman	Thomas
Burton	Kern	Reed	Thornton
Chamberlain	Lane	Robinson	Townsend
Clapp	Lodge	Sheppard	Vardaman
Clark, Wyo.	McLean	Simmons	Walsh
Culberson	Martine, N. J.	Smith, Ariz.	White
Dillingham	Nelson	Smith, Ga.	Williams
Fletcher	O'Gorman	Smith, S. C.	
Gallinger	Oliver	Smoot	
Gronna	Overman	Sterling	

Mr. MARTINE of New Jersey. I was requested to state regarding the Senator from West Virginia [Mr. CHILTON] that he is absent on public business and is paired with the Senator from New Mexico [Mr. FALL] on all questions.

Mr. THORNTON. I was requested to announce the necessary absence of the Senator from Virginia [Mr. MARTIN] on account of illness in his family, and also to announce that he is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH], who is absent from the city, is paired with the junior Senator from Missouri [Mr. REED] on all votes. This announcement may stand for the day.

Mr. CLARK of Wyoming. I wish to announce the unavoidable absence from the city of my colleague [Mr. WARREN]. He has a general pair with the Senator from Florida [Mr. FLETCHER]. I will allow this announcement to stand for the day.

Mr. LODGE. I desire to announce that my colleague [Mr. WEEKS], who is absent from the Senate, has a general pair with the Senator from Kentucky [Mr. JAMES]. I will allow this announcement to stand for the day.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators and Mr. HOLLIS, Mr. McCUMBER, Mr. POMERENE, and Mr. SAULSBURY answered to their names when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present and the Senate resumes the consideration of the unfinished business, House bill 6060.

REGULATION OF IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from Colorado [Mr. THOMAS].